

# U.S. Senator Tim Johnson



**Experienced Leadership**  
at work for  
**South Dakota**



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# Fighting for Ellsworth

In May of 2005, Secretary of Defense Donald Rumsfeld recommended that Ellsworth Air Force base be closed. Under Rumsfeld's plan, B-1 bombers housed at Ellsworth would be transferred to Dyess Air Force Base in Texas.

U.S. Senator Tim Johnson shared the outrage many South Dakotans felt when this announcement was made. Tim maintained that the decision was shortsighted and not in the interest of our national defense. As the backbone of our bomber fleet, the B-1 bombers stationed at Ellsworth have flown missions in Kosovo, Afghanistan, and Iraq. During Operation Iraqi Freedom, B-1s were integral in liberating Iraq; indeed, B-1s dropped more than half of the satellite guided munitions that reached critical targets, including command and control facilities, bunkers, and surface-to-air missile sites.

Ensuring that Ellsworth remained open was truly a bipartisan group effort. Tim worked closely with Senator Thune, Representative Herseth, Governor Rounds, and the Ellsworth Task Force to see that the base was removed from the closure list. Tim personally contacted members of the Base Realignment and Closure (BRAC) Commission to make the case that Ellsworth should be retained, and his staff worked closely with commission staff to ensure they had all the information and data necessary to evaluate the recommendation. No stone was left unturned in his effort to save Ellsworth, and the hard work paid off: on August 26, 2005, the BRAC Commission rejected Rumsfeld's proposal to close Ellsworth.

Without question, Ellsworth is a world-class military installation that is not threatened by urban encroachment or congested air space. Since the last round of base closures, Tim has worked hard to upgrade the facilities at the base. Ellsworth has received nearly \$140 million in military construction funding in preparation for the 2005 BRAC round. As a member of the Military Construction Appropriations subcommittee, Tim helped direct more than \$75 million to Ellsworth during the past few years. These investments have included funding for new buildings and military housing that will make the base a contender for additional missions in the future.



**U.S. Senator Tim Johnson meets with Colonel Jeffry Smith, commander of Ellsworth's 28th Fighter Wing, and Chief Master Sergeant Clyde Aune.**

# Strengthening Our Nation's B-1 Fleet

The B-1 bomber remains the backbone of our nation's bomber fleet and the pride of Ellsworth Air Force Base. By providing our military with a reliable, long-range bomber capable of delivering a large volume of munitions to targets thousands of miles away, the B-1 has proven its military value in Kosovo, Afghanistan, and most recently in Iraq.



U.S. Air Force photo by Staff Sgt. Bennie J. Davis III

**A B-1B Lancer from Ellsworth Air Force Base flies over the Pacific Ocean after participating in a midair refueling exercise.**

The B-1's contributions in Operation Iraqi Freedom were critical to our military success. Although B-1s flew fewer than 2% of the combat sorties in Operation Iraqi Freedom, they dropped more than half the satellite guided Air Force Joint Direct Attack Munitions (JDAMs) and maintained a 79% mission capable rate. The B-1s were assigned against a broad range of targets in Iraq, including

command and control facilities, bunkers, tanks, armored personnel carriers, and surface-to-air missile sites. They also provided close air support for U.S. forces engaged in the field.

Given the demonstrated capabilities of the B-1 and its importance to our military, U.S. Senator Tim Johnson was disappointed the President's budget did not include sufficient funding to upgrade the B-1's capabilities. The Fiscal Year 2006 Defense Appropriations bill included \$3 million Tim had requested for additional B-1 upgrades, including updated secure communications capabilities. This funding

will replace old communications equipment and provide B-1s with Demand Assigned Multiple Access (DAMA) compliant satellite data access via the ARC-210 radio. Doing so will allow B-1 crews to maintain voice contact with ground troops, as well as providing secure voice communications with emerging target information. Just as critical, these upgrades will help ensure that the B-1 remains a critical part of our national security infrastructure for many years to come.

# Improving Military Quality of Life

U.S. Senator Tim Johnson knows that all the weapons in the world will be rendered ineffective if military personnel and their families are not afforded a good quality of life opportunity. Throughout his time in office, Tim has been a strong proponent of better funding for military pay, health care, education, and housing.

Tim's oldest son is in the Army and has served in Bosnia, Kosovo, Afghanistan, and most recently in Iraq. As such, Tim understands that the stress on morale caused by a poor quality of life not only affects the preparedness of our military units, but also discourages some of our most able personnel from reenlisting and makes recruitment more difficult.

As a part of the Fiscal Year 2006 Defense Appropriations Bill, Tim supported military benefits and pay increases, including a 3.1% pay increase for military personnel. This small-but-important increase will be good news for our men and women in uniform, many of whom struggle to make ends meet.

Tim was the 2004 recipient of the L. Mendel Rivers Award for Legislative Action. This award was presented by the Non Commissioned Officers Association of the USA (NCOA), and it is the most prestigious form of recognition the organization bestows upon members of Congress. The award is given to lawmakers who demonstrate their commitment to improving the quality of life for enlisted military personnel and our veterans.

# Providing Tricare for our National Guard and Reserves

Members of our National Guard and Reserve forces have been integral to our nation's success in both Iraq and Afghanistan. These brave men and women have put their lives on hold to answer our nation's call to duty, and they have served with honor and distinction.

U.S. Senator Tim Johnson has been working with his colleagues to improve benefits for military personnel, with a special focus on access to and availability of health care. To that end, he cosponsored a bill authored by Senator Lindsey Graham (R-SC) to permanently extend Tricare coverage to National Guard and Reserve members and their families, regardless of their mobilization status. This bill, the National Guard and Reserve Readiness and Retention Act (S.337), builds upon Tim's prior efforts that extended Tricare coverage to National Guard and Reserve members who served on active duty following the terrorist attacks of September 11, 2001.

During consideration of the Fiscal Year 2006 National Defense Authorization Act, Tim supported an amendment based on S.337. This amendment was adopted by the Senate. Although the House of Representatives did not include similar provisions in their version of the bill, a compromise was reached during conference committee negotiations. The compromise allows all members of the National Guard and Reserves to enroll in Tricare, regardless of their mobilization status. A servicemember's premium will be based on three categories of eligibility.



**Col. Steve Doohen and U.S. Senator Tim Johnson discuss military construction projects at Joe Foss Field in Sioux Falls. Doohen is commander of the South Dakota Air National Guard's 114th Fighter Wing.**

# Protecting Veterans' Health

U.S. Senator Tim Johnson is a recognized leader in the effort to provide our nation's veterans with the health care they deserve.

Tim was disappointed that the President's Fiscal Year 2006 budget request provided only a \$522 million increase in appropriated funds for VA health care. This was far less than the \$3.5 billion veterans' organizations say is needed. Furthermore, the President's proposal would not even cover the cost of medical inflation and payroll increases for VA employees.

In addition, President Bush's budget request continued the practice of denying medical services to Category 8 veterans, and it would impose a \$250 enrollment fee for veterans in categories 7 and 8. Finally, the President proposed significant increases in co-payments for pharmacy and primary care benefits, thus shifting an even larger financial burden to our veterans.

In June 2005, the VA announced it would incur a \$1 billion shortfall in meeting critical health care needs in Fiscal Year 2005. To rectify the situation, VA officials proposed redirecting \$600 million from funds to improve VA infrastructure, as well as borrowing \$400 million from funds intended to provide health care for Fiscal Year 2007. Tim believed the proposal was shortsighted, and he voted to provide an additional \$1.5 billion in emergency funding to the VA during FY 2006.

As a member of the Senate Military Construction and Veterans Affairs Appropriations Subcommittee, Tim fought for additional veterans' health care funding. On September 22, 2005, the Senate approved the FY 2006 Military Construction and Veterans Affairs Appropriations bill, which included more than \$70.7 billion in overall funding for the VA. Of this amount, \$36.6 billion was allocated to mandatory programs and \$34 billion was for discretionary programs.

The bill also included \$23.3 billion for VA medical services, including more than \$1.9 billion to address the FY 2006 shortfall. The measure provides the VA with \$1.335 billion more than the President requested.

# Helping the Families of Fallen Heroes

As part of the Fiscal Year 2006 National Defense Authorization Act, U.S. Senator Tim Johnson supported increasing to \$100,000 the death gratuity allowance that is provided to the survivors of active duty personnel. The measure is retroactive to October 7, 2001.

Previously, families of soldiers killed in battle would receive a single \$12,000 payment, an amount so small it had been characterized as “miserly” and “insulting,” given the loss these grieving families had endured. Increasing the death gratuity was the right thing to do, and Tim was pleased with the bipartisan congressional support the measure received.



# Helping Veterans with PTSD

In 2005, the Department of Veterans Affairs announced it was reviewing more than 72,000 post-traumatic stress disorder claims. Concerns were raised that the VA may use this review process as a way to reverse a decision in which the VA awarded benefits to veterans diagnosed with Post Traumatic Stress Disorder (PTSD).

To ensure that the VA would not renege on its obligations to these veterans, U.S. Senator Tim Johnson supported an amendment to the Fiscal Year 2006 Military Construction and Veterans Affairs Appropriations bill that would prohibit any funds to be used for the review of these 72,000 PTSD claims. This measure was included in the final version of the bill that was signed into law.

# Providing Assured Funding for Veterans' Health Care

The annual fight to find more money for the VA has left the veterans' health care system in crisis. To remedy this situation for those who have risked everything to support our nation, U.S. Senator Tim Johnson introduced the Assured Funding for Veterans Health Care Act (S.331) on February 9, 2005. This bill would make sure the VA health care system receives mandatory funding each year, rather than subjecting veterans' health needs to the political process year after year.

The bill would establish a baseline funding year and calculate the cost of providing health care services to an average veteran using the VA health care system. The bill would then provide funding for the total number of veterans who participate in the VA health care system. That funding level would be annually adjusted for inflation.

Tim is pleased that the Assured Funding for Veterans Health Care Act has been endorsed by the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans. He hopes his bill will serve as a starting point for discussing alternatives for funding the VA health care system, allowing South Dakota's veterans to continue accessing the quality care they deserve.



**U.S. Senator Tim Johnson visits the South Dakota National Guard Headquarters at Camp Rapid. Tim has been a leader in fighting for veterans, military retirees, active duty soldiers, and members of our National Guard and Reserve forces.**

# Keeping the Promise of Military Retiree Health Care

Thanks in large part to U.S. Senator Tim Johnson's tireless efforts, Medicare-eligible military retirees now have access to Tricare, the military health care system. The government promised lifelong health care to those who served in the military; however, those promises went unfulfilled until Tim brought this issue to the forefront in Congress.

*“A promise made should be a promise kept. These retirees were told we would take care of them if they dedicated their lives to the military.*

— U.S. Senator Tim Johnson  
February 16, 2005

In 2000, Tim introduced the Keep Our Promises to America's Military Retirees Act, which would improve health care for military retirees and their dependents. Congress passed into law a portion of Tim's legislation that extends Tricare health care to military retirees over the age of 65. The new health care provision, called Tricare For Life, began serving South Dakota's military retirees on October 1, 2001.

On February 16, 2005, Tim reintroduced the Keep Our Promises to Military Retirees Act (S.407). Tim's legislation takes the next step in fulfilling our commitments to our military retirees, waiving the required Medicare Part B payments under Tricare for Life for military retirees who entered the service prior to December 7, 1956. This would give these military retirees the free health care they were promised. Military retirees under age 65 who are underserved by Tricare would have the option of electing coverage under the Federal Employees Health Benefit Program (FEHBP) rather than Tricare. Finally, the bill establishes a system to reimburse pharmacy expenses at Tricare rates for military retirees who cannot access Tricare pharmacies due to physical or medical constraints.

# Pressing for Concurrent Receipt

Military retirees with 20 years of honorable service should not be penalized because they were disabled while providing that service to our country. Unfortunately, that is what happens under current law, since military retirees are prohibited from receiving both their full military retirement pay and their VA disability compensation.

In recent years, Congress has made some progress in rectifying this injustice. In 2003, U.S. Senator Tim Johnson helped authorize the payment of Combat-Related Special Compensation (CRSC) to all otherwise-eligible military retirees, regardless of their disability rating. Congress also authorized a ten-year phase-in of concurrent receipt for all military retirees whose disability is 50% or greater, regardless of the origins of their disability, and provided these benefits to eligible members of the National Guard and Reserves.

During consideration of the Fiscal Year 2005 National Defense Authorization Act, Tim supported an amendment to immediately provide full concurrent receipt benefits to military retirees rated 100% disabled. Tim is pleased that those military retirees with the most severe disabilities will now receive all of their earned benefits. However, he realizes much more remains to be done.

To that end, Tim supported an amendment to the Fiscal Year 2006 National Defense Authorization Act that would allow veterans with service-connected disabilities rated as 100% by virtue of unemployability to immediately receive full concurrent receipt. Since this provision was not included in the House of Representatives' version of the bill, a compromise was reached during conference negotiations. Under the agreement, full concurrent receipt benefits for military retirees rated as 100 percent disabled by determination of individual unemployability will be phased in by 2009.

While Tim applauds these steps, he believes the time has come to fulfill our promises to our military retirees. As such, he is an original cosponsor of the Retired Pay Restoration Act (S. 558), which would authorize full, immediate concurrent receipt for all disabled military retirees.

## Enhancing the GI Bill

After being contacted by a South Dakotan who was unable to access Montgomery GI Bill benefits, U.S. Senator Tim Johnson introduced the Montgomery GI Bill Enhancement Act (S. 2091) on December 13, 2005. Tim's bill would allow a one-year open enrollment period for career military personal who are not allowed to sign up for education benefits under the Montgomery GI Bill because, although they were eligible, they had not signed up for a previous education benefits program known as the Veterans' Educational Assistance Program.

Under Tim's bill, men and women in uniform would have an opportunity to participate in the current GI Bill program. Over the course of 18 months, \$2,700 would be deducted from the participant's military pay as a contribution toward the educational benefits they are eligible to receive.

# Recognizing Disabled Veterans

U.S. Senator Tim Johnson has been instrumental in providing South Dakota veterans with the recognition they deserve. Tim has continued to press for passage of the American Veterans Disabled for Life Commemorative Coin Act (S.633).

Tim first introduced the American Veterans Disabled for Life Commemorative Coin Act in 2003, and has continued to press for passage ever since. Tim's bill would authorize the Secretary of the Treasury to mint a commemorative coin honoring the millions of veterans of the United States Armed Forces who were disabled while serving our country. Revenues from the surcharge on the coin will go to the Disabled Veterans' LIFE Memorial Foundation to help cover the costs of building the American Veterans Disabled for Life Memorial in Washington, D.C.

While the Senate approved the American Veterans Disabled for Life Commemorative Coin Act on October 11, 2004, the leadership in the House of Representatives refused to bring the bill up for a vote before the 108<sup>th</sup> Congress adjourned. Tim reintroduced his bill in the 109<sup>th</sup> Congress on March 16, 2005. Tim is proud his bill has the endorsement of the Disabled American Veterans, the American Legion, and the Veterans of Foreign Wars.



Watercolor illustration by Michael McCann. © DVLMF, all rights reserved.

Tim is also working closely with other veterans organizations and the Disabled Veterans' LIFE Memorial Foundation to commemorate the selfless and continuing sacrifice of America's 2.3 million living disabled veterans, ensuring they will always be remembered. He has also worked to provide all Americans with a place to express their appreciation for the men and women who came home from war bearing the scars of defending our nation, and serving as an eternal reminder of disabled veterans' honor, service, and sacrifice.

# Recognizing American Indian Veterans

Native Americans have a long and proud tradition of defending our country. Compared to all other ethnic groups, Native Americans have the highest per capita rate of military service in our nation. From the scouts who helped expeditions explore our country's vast open terrain, to the tremendous contribution made by Code Talkers during World War II, the level of bravery and sacrifice by Native Americans merits special recognition.

U.S. Senator Tim Johnson is a member of the Senate Indian Affairs Committee and has introduced numerous bills addressing veterans' issues during his time in Congress. On January 25, 2005, Tim introduced S.154, which honors the heroic service of these men and women by granting a federal charter to the National American Indian Veterans Association. A federal charter does not grant any special privileges, but it does ensure the National American Indian Veterans organization will enjoy the same status other veterans' organizations, including the American Legion and the Veterans of Foreign Wars.

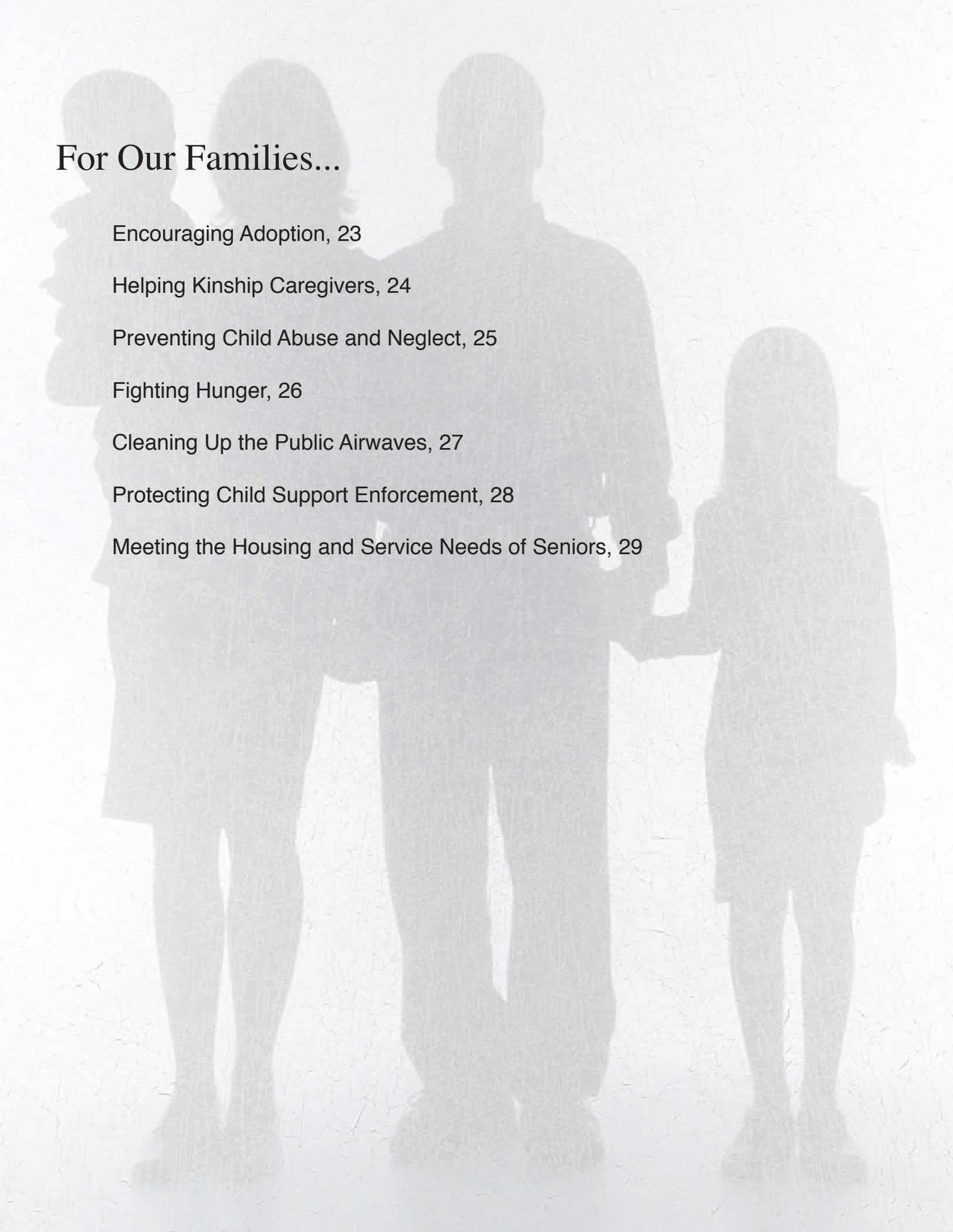
Tim was an original cosponsor of a similar measure in the 108<sup>th</sup> Congress. That measure passed the Senate but failed to pass the House of Representatives before the 108th Congress adjourned.

# Preserving Veterans' Stories

U.S. Senator Tim Johnson is helping educate this and future generations about the sacrifices of our nation's veterans. In November 2003, Tim became an endorsing partner in the Library of Congress' Veterans History Project. The Veterans History Project honors our nation's war veterans and those who served in support of them by creating a legacy of recorded interviews and other documents chronicling veterans' wartime experiences.

Tim asked South Dakotans to help in the creation of a national collection by interviewing war veterans from all service branches of World War I, World War II, Korea, Vietnam, Operation Desert Storm, Operation Enduring Freedom, and Operation Iraqi Freedom. All recordings of personal histories and all documents submitted to the Veterans History Project will be part of the Library of Congress/American Folklife Center National History Collection. They will be housed at the Library of Congress to create a comprehensive, searchable catalog of all materials collected as part of this project, allowing researchers and the interested public to access them.

Tim is encouraging volunteers to interview veterans and send the recorded interviews to the Library of Congress. Tim notes that this partnership will help all Americans honor South Dakota's war veterans and will create a collection of their memories, accounts and documents.

The background of the page features dark silhouettes of a family consisting of a man, a woman, and a child. The man is on the left, the woman is in the center, and the child is on the right. They are all facing forward, and the woman appears to be holding the child's hand. The silhouettes are set against a light, textured background.

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# Encouraging Adoption

U.S. Senator Tim Johnson remains an active advocate for adoption, and continues to encourage the creation of strong families through adoption. As a member of the Congressional Coalition on Adoption, Tim participates in the Angels in Adoption Program each year.

Since the program's beginning, 19 South Dakotans have been recognized for their commitment to children. On September 7, 2005, Jim and Sue Russo of Sioux Falls were honored as 2005 Angels in Adoption for their commitment as adoptive parents.

Tim also cosponsored the Adoption Tax Relief Guarantee Act (S. 246), a bipartisan bill that would prevent the adoption tax credit and adoption assistance programs enacted in 2001 from expiring.

Tim continued to support both adoption and foster care as May was recognized as National Foster Care month and November was designated National Adoption Month. "Every child deserves to grow up in an environment where they can flourish," Tim said. "Foster Care Month and National Adoption Month are great opportunities to honor the dedication of parents who provide loving and caring homes, while at the same time raising awareness of our children's needs in South Dakota."



**U.S. Senator Tim Johnson, center right, meets with Jim and Sue Russo of Sioux Falls and their adopted son, Brandon. The Russos have been foster parents to more than 60 children since 1993.**

# Helping Kinship Caregivers

U.S. Senator Tim Johnson cosponsored the Kinship Caregiver Support Act (S. 985), a bipartisan bill that would assist grandparents and other kinship caregivers who raise children when their biological parents are no longer able to do so. The bill would establish kinship navigator programs in states, communities and tribal areas, helping kinship caregivers find the services and assistance they need in raising these children. It would also establish grants to help local agencies and organizations connect kinship caregivers with available resources.

In South Dakota, 8,349 children live in households headed by their grandparents, and another 2,367 children live in households headed by other relatives. South Dakota's Department of Social Services requires that relatives be considered first when a child is removed from the home of their biological parents.

## Preventing Child Abuse and Neglect

U.S. Senator Tim Johnson used his seat on the Senate Appropriations Committee to help support the New Beginnings Center in Aberdeen. Tim was able to procure \$196,413 from the Health Resources Services Administration's appropriations measure, helping to expand the capacity of this facility, which is run by Lutheran Social Services.

The New Beginnings Center provides a safe and comforting environment where abused and neglected children can begin to build new lives. This money will help the center serve more children.



## Fighting Hunger

As a national board member of Bread for the World, U.S. Senator Tim Johnson has actively pursued legislation that will help eliminate hunger in our nation. Tim is a cosponsor of the Hunger-Free Communities Act of 2005 (S. 1120), which was introduced on May 25, 2005 by Senator Dick Durbin (D-IL).

The measure has two main parts. The first section would set goals for the elimination of hunger in the United States, reaffirming the congressional commitment to fund existing programs. The second part of the legislation would authorize up to \$50 million dollars in grants each year for six years, directing these funds toward organizations working to eliminate hunger in their communities. These grants will help groups improve facilities, ensure access to local food sources, and help assess the nutritional needs of the local population.

Tim also recommended the Family Resource Network of Brookings for the Victory against Hunger Awards provided by the Congressional Hunger Center. The network administers the Child and Adult Care Food Program, serving more than 2,000 children in 175 homes. The organization was awarded \$1,000 for its work in fighting hunger.

# Cleaning up the Public Airwaves

As a grandfather and the parent of three grown children, U.S. Senator Tim Johnson knows firsthand the daily effort that parents go through in raising their children free from violent movies, obscene music, and other objectionable media. Tim recognizes that the best way to keep violent and obscene material away from our children is through cooperation among the entertainment industry and its retail partners, in conjunction with the Federal Communications Commission (FCC), Federal Trade Commission (FTC), and concerned members of Congress. Additionally, Tim understands that monetary fines for decency violations must be large enough to deter future abuses by the entertainment industry.

Tim is a cosponsor of the Broadcast Decency Enforcement Act (S. 193), which would increase the dollar amount of fines the FCC is able to impose for violations of its decency rules. The current maximum fine of \$32,500 per offense is woefully inadequate to deter enormous media conglomerates from airing indecent programming. Tim's bill would increase the maximum fine to \$325,000.

Additionally, Tim is a cosponsor of the Children and Media Research Advancement (or "CAMRA") Act (S. 579). This legislation would authorize funding for a research program to examine the role of media in children's cognitive, social, emotional, physical, and behavioral development. The study would be carried out by the National Institute of Child Health and Human Development. Specific topics of research would include, among other things, the role of television and movies in social, physical, and behavioral development. Following the study, recommendations would be made concerning ways to improve the healthy development of children.

It is estimated that young people spend an average of six and a half hours engaged with some form of media each day. While parents and other family members play the most basic and critical role in ensuring their children are not exposed to harmful media influences, Tim believes parents and policymakers need a better understanding of the media's impact on our children.



**Having raised three grown children, and now as a grandfather, Tim Johnson understands the daily effort parents must make in raising their children free from violent movies and other objectionable media.**

# Protecting Child Support Enforcement

U.S. Senator Tim Johnson has continued fighting for our nation's child support enforcement system. Unfortunately, it has not been an easy task to adequately fund one of our nation's most successful and cost-effective federal programs.

In December of 2005, the House of Representatives passed a budget reconciliation package that included deep cuts to the child support enforcement program. It was projected that South Dakota would lose \$12 million over the next five years and \$37 million over the next ten years if these cuts had been adopted. That approach is "penny wise but pound foolish," since children who don't receive support from their absent parents are much more likely to need welfare benefits, food stamps, or other taxpayer-funded assistance.

Tim supported an amendment that would guarantee federal funding for child support enforcement administrative expenses would not be reduced below the levels provided under current law. The measure also noted that states should be allowed to continue using federal child support incentive payments for child support program expenditures that are eligible for federal matching payments. It also expressed the sense of the Senate that it does not support additional fees for successful child support collection. Fortunately, the amendment Tim supported passed the Senate, meaning child support enforcement activities will continue to receive adequate funding.

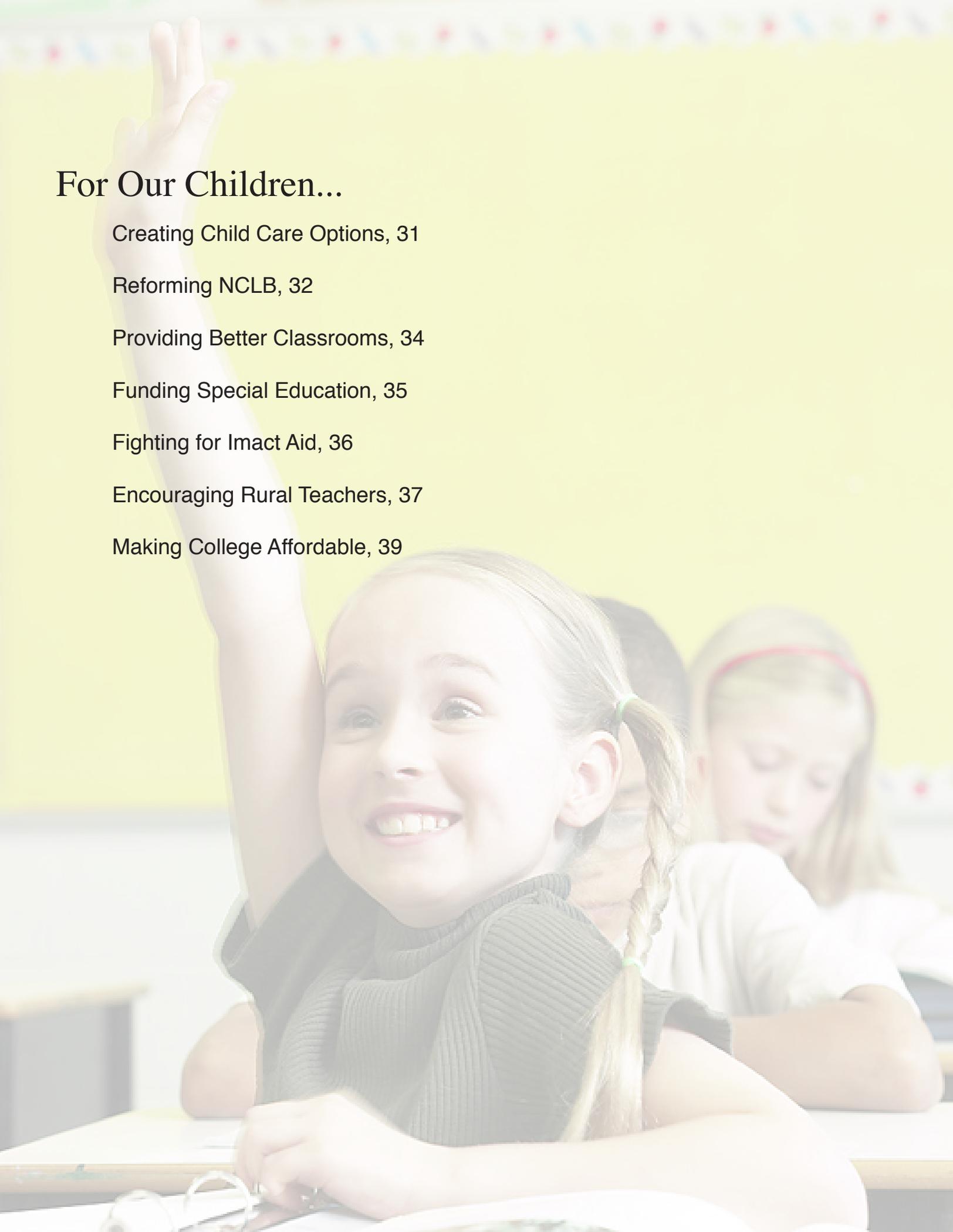


# Meeting the Housing and Service Needs of Seniors

Currently, federal programs and services that assist the elderly in meeting their housing needs are spread across numerous federal agencies, making it difficult for seniors to understand and access needed services.

To better coordinate federal resources, U.S. Senator Tim Johnson cosponsored the Meeting the Housing and Service Needs of Seniors Act (S. 705). This legislation would create an executive level interagency council to better coordinate housing programs and related services so that senior citizens can easily obtain necessary assistance and age in peace.

This legislation passed the Senate on November 17, 2005. It is currently awaiting action by the House of Representatives.

A young girl with blonde hair in pigtails, wearing a dark sweater, is sitting at a desk in a classroom. She has her right hand raised high, with her index and middle fingers extended. In the background, other children are visible, including a boy with a braid and a girl with a red headband. The classroom has a yellow wall and a decorative border at the top.

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# Creating Child Care Options

U.S. Senator Tim Johnson cosponsored legislation to revise requirements for the Child Care Access Means Parents in School (CCAMPIS) program. The CCAMPIS program provides child care services to low-income parents who are working to obtain a college degree or complete other higher education programs.

Tim's legislation would increase from \$10,000 to \$30,000 the minimum CCAMPIS grant colleges and universities can receive. It would also expand CCAMPIS eligibility to graduate and professional students, international students, and students from certain low-income families that do not qualify for federal Pell Grants.

Tim helped secure \$198,820 from the Department of Housing and Urban Development (HUD) for the expansion of the Center for Children and Families, a non-profit child care center in Vermillion. Tim used his seats on the Senate Budget and Appropriations Committees to secure this grant as an earmark in Fiscal Year 2004 appropriations. The project recently received HUD approval, clearing the way for the funding to be realized.

"Quality care and education in the early years of life are essential for healthy development," Tim said. "With this funding, the Vermillion center will be able to enhance its ability to serve as many children and families as possible."

# Reforming NCLB

Since enactment of the No Child Left Behind (NCLB) Act, U.S. Senator Tim Johnson has heard from countless parents, educators, administrators, school board members, and others about the need to make NCLB work better. While no one can argue against accountability in ensuring all of our children are learning, Tim has grown increasingly frustrated with the Bush Administration's implementation of the law, particularly as funding is continuously slashed, shortchanging many important education programs.

We all know that each child's personality, learning speed, and maturity varies; however, NCLB fails to account for these differences. The law also ignores the challenges and struggles rural schools in South Dakota confront as they work to implement NCLB. Throughout his years in public office, Tim has continuously been impressed by the dedication of so many educators and administrators that strive every day to help educate South Dakota students.

While Education Secretary Margaret Spellings has made some effort to be flexible in implementation of NCLB, Tim believes changes to the underlying law are necessary. For that reason, Tim is a cosponsor of the No Child Left Behind Reform Act (S. 724). This legislation has three main components that would help South Dakota schools reach high standards without being burdened by unworkable mandates.

Tim's bill would provide states with the flexibility to use multiple measures to calculate student achievement. Under current law, schools are held accountable for student achievement based upon student performance on annual tests. Unfortunately, it is clear that test scores alone are not always the best measure of a student's abilities. Other measures, such as an individual student's rate of improvement or graduation statistics, may be better ways to determine whether students are making adequate progress each year.

The second provision would allow schools to target school choice and supplemental services to students who actually demonstrate the need for them. Under current law, school choice must be offered to all students; this legislation would allow local school districts to target supplemental services to the students who need them most.

The final provision relates to NCLB's highly qualified teacher provisions. While the U.S. Department of Education has announced some flexibility in this area, the bill would add common sense to the law.

States would be allowed to create comprehensive certificates and exams, enabling middle and high school teachers to demonstrate competency in various subjects within the same discipline. For example, a science teacher would be allowed to take a comprehensive exam to prove they are qualified to teach earth science, biology, chemistry, and physics.

Beyond changes to the underlying No Child Left Behind Act, Tim strongly believes that the federal government must live up to its promises to fund NCLB. In 2005, President Bush and Congress enacted an education appropriations bill that imposed the first education funding cut in a decade. Specifically, the funding level approved for NCLB was \$13 billion below the amount promised when NCLB was adopted. As a member of the Senate Appropriations Committee, Tim will continue pressing the federal government to live up to its promises to education, and will work to fund important education programs that enable all students reach their potential.



# Providing Better Classrooms

A 1995 Government Accountability Office (GAO) report found that the national unmet need for school construction, repair, and renovation totaled \$112 billion. According to the U.S. Department of Education, three out of every four schools in our nation need costly work to bring the building into good condition. Statistics show there is a proven relationship between the condition of school buildings and the performance of students educated in those buildings. Consequently, Tim is a cosponsor of the America's Better Classrooms (ABC) Act (S. 1538).

The ABC Act would provide \$25.2 billion in interest-free loans for school renovation and repair. The funds would be allocated as follows:

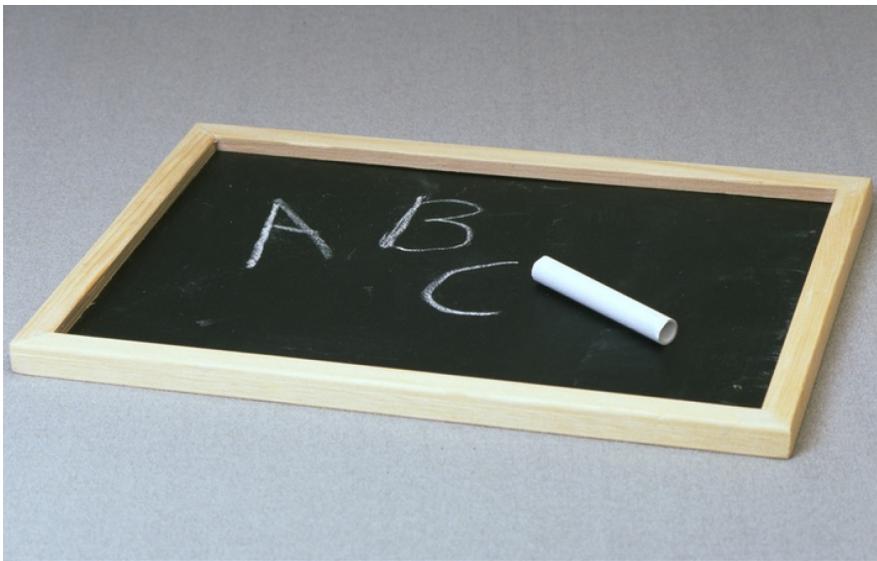
- \$22 billion for a new Qualified School Bonding program. The funds would be allocated to states in the same proportion as Title I funding, which helps schools located in areas with large numbers of disadvantaged students. The states would have the authority to allocate their share among school districts as they deem necessary.
- \$2.8 billion for the expansion of the Qualified Zone Academy Bonding (QZAB) program. The QZAB program allows states to partner with local businesses in issuing tax-exempt bonds to raise funds for educational projects. States would receive QZAB allocations based upon the number of poor students in the state. To be eligible, a school must be located in an empowerment zone or enterprise community. Schools in which 35% of the student body qualifies for free or reduced price school lunches would also qualify. Participating schools would be required to partner with local businesses.
- \$400 million for schools funded by the Bureau of Indian Affairs.

# Funding Special Education

U.S. Senator Tim Johnson is deeply troubled that the federal government has never lived up to its promise to pay 40% of the cost of educating some of our nation's most vulnerable children—those with disabilities. Since this promise was made in 1975, the federal government has continually underfunded the Individuals with Disabilities Education Act (IDEA). As such, an ever-increasing share of special education costs has been shifted to local school districts.

Tim was outraged that the federal government will actually move backwards in IDEA funding during Fiscal Year 2006. In Fiscal Year 2005, the federal government provided about 18.6% of the overall cost of special education nationwide. That percentage will fall to a dismal 17.8% under FY 2006 appropriations.

Because these IDEA funding levels are unacceptable, Tim supports making special education funding a mandatory spending item. If the federal government fully funded special education programs, local school districts would be able to use state and local resources for class size reduction, increasing teacher salaries, upgrading technology, school construction, or a host of other priorities.



## **Federally-Impacted Schools in South Dakota:**

Andes Central Public School #11-1  
Bennett Co. School District #3-1  
Bison School District #52-1  
Bonesteel-Fairfax District #26-5  
Bon Homme School District #4-2  
Chamberlain Indp. School #7-1  
Custer School District #16-1  
Douglas School District #51-1  
Dupree School District #64-2  
Eagle Butte Indp. School #20-1  
Faith School District #46-2  
Flandreau Indp. School #50-3  
Geddes Community School #11-2  
Harrold School District #32-1  
Hill City School District #51-2  
Hot Springs ISD #23-2  
Hyde Co. Indp. School Dist. #34-1  
Isabel School Dist. #20-2  
Kadoka School Dist. #35-1  
Lemmon School District #52-2  
Lyman Indp. School Dist. #42-1  
McIntosh Indp. School Dist. #15-1  
McLaughlin Indp. School #15-2  
Mobridge School Dist. #62-3  
Northwest School District  
Oelrichs Public Schools #23-3  
Pierre School District #32-2  
Platte Community School #11-3  
Pollock School District #10-2  
Rapid City Area School Dist. #51-4  
Shannon Co. Indp. School #65-1  
Sisseton Indp. School Dist. #54-2  
Smee School Dist. #15-3  
Stanley County School Dist. #57-1  
Summit School Dist. #54-6  
Timber Lake School Dist. #20-3  
Todd Co. Indp. School Dist. #66-1  
Wagner Comm. School Dist. #11-4  
Wall School Dist. #51-5  
Waubay Indp. School Dist. #18-3  
Webster Public School Dist. #18-4  
White River School Dist. #47-1  
Winner School Dist. #59-2  
Wood Indp. School Dist. #30-2  
Yankton School District #63-3

## **Fighting for Impact Aid**

As a co-founder and co-chair of the Senate Impact Aid Coalition, U.S. Senator Tim Johnson continues his fight to increase federal funding for Impact Aid school districts in South Dakota. Since coming to Congress in 1987, Tim has been a vocal advocate of the federal partnership with local school districts whose tax base is diminished by large federal land holdings, as well as those districts that educate federally-connected children. Federally-connected children are the children of military or federal civilian personnel living on or near military bases or other federal land, as well as Native American children who attend public schools.

Because of the large federal land holdings and the number of Native American tribes in South Dakota, Impact Aid funds are essential for many of our schools. Given the current budget deficits, it is difficult to increase funding for any program; however, Tim strongly believes the federal government has a unique obligation to adequately fund the Impact Aid program. The federal government needs to be a good neighbor to the school districts that are educating federally-connected children. It also needs to replace the lost property tax revenue that results when vast federal land masses are removed from local tax rolls.

Tim helped lead the bipartisan Senate Impact Aid Coalition's efforts to increase Impact Aid funding. Unfortunately, funding for Impact Aid has remained relatively flat the past few years. In 2006, Tim will continue urging the Bush Administration and Congress to adequately fund this important program.

# Encouraging Rural Teachers

Teachers in our small towns are part of the very fabric of the community. Unfortunately, many rural teachers simply cannot afford to make ends meet on their current salary. Rural school districts often have more difficulty attracting and retaining high-quality teachers than their larger, urban counterparts. This has very little to do with the attractiveness of rural school districts – in fact, many teachers would prefer to work in rural communities. Instead, this problem stems from the unique challenge that rural schools face in providing teachers with salaries that are adequate compensation for the valuable work they do.

While most education funding comes from the state and local level, and teachers' salaries are determined by local school boards, Tim believes the federal government should play a role in helping rural schools attract and retain the brightest teachers. That's why Tim is supporting the Rural Teacher Retention Act (S. 1036). This legislation would make grants available to rural school districts that meet specific criteria, helping some of our smaller communities remain competitive with larger communities.

School districts that are eligible for Rural Education Achievement Program (REAP) funds and have a teacher turnover rate of 5% or more could receive grants for teacher recruitment and retention under this legislation. REAP funds generally go to rural school districts with fewer than 600 students. The grant amounts would be determined using the school's average daily attendance rates.

Funding from these grants would allow schools to offer signing bonuses of up to \$2,000 to new teachers. In addition, teachers who have worked in the district for at least three consecutive years could be offered retention bonuses of up to \$3,000.

According to the Rural School and Community Trust, South Dakota has our nation's highest percentage of public schools in rural areas. Fully 78% of our schools are rural schools. Furthermore, South Dakota ranks second in the nation in terms of the percentage of students who attend small rural schools. During the last assessment of teacher salaries, the organization found that South Dakota had the lowest average rural teacher salary in the nation.

Too often, prospective teachers shy away from pursuing a careers in elementary or secondary education because teaching, historically, is less financially rewarding than other fields requiring a college degree. Also, many teachers leave the teaching profession due to their inability to repay student loans. This unfortunate trend has a significant impact on the teaching profession and the students whose futures rely upon a sound educational foundation.

It is also sad that South Dakota loses many quality teachers to neighboring states that offer larger salaries and more appealing benefits. While teacher salaries are determined at the local level, this legislation will allow school districts to recognize the efforts of rural teachers and help them overcome the specific challenges they face.

# Making College Affordable

Having paid toward the college expenses of all three of his children, U.S. Senator Tim Johnson understands the enormous burden that higher education costs can place on middle-income families. Tim supports expanding tax deductions and credits to help pay for higher education expenses, as well as increased funding for Pell Grants and work-study programs.

Too often, young people are straddled with so much debt after they receive a post-secondary degree that it is difficult to repay loans while making ends meet at an entry-level job. Congress needs to do a better job of ensuring all Americans have an opportunity to develop their God-given talents to the maximum extent possible, without incurring crippling levels of debt in the process.

Tim believes federal policy should place greater emphasis on helping middle-income families who have students in post-secondary education. As a member of the Senate Appropriations Committee, Tim will continue working toward lowering higher education costs for everyone.

The budget reconciliation package, which Tim strongly opposed, cut \$12.7 billion from the federal student loan program. Unfortunately, this marks the largest cut to student financial aid programs in history. While the legislation contains some funding for the creation of the new Academic Competitiveness Grants and the National Science and Mathematics Access to Retain Talent Grants (National SMART Grants), the original Senate-passed budget reconciliation legislation contained more than \$8 billion in new need-based assistance to supplement Pell Grants.

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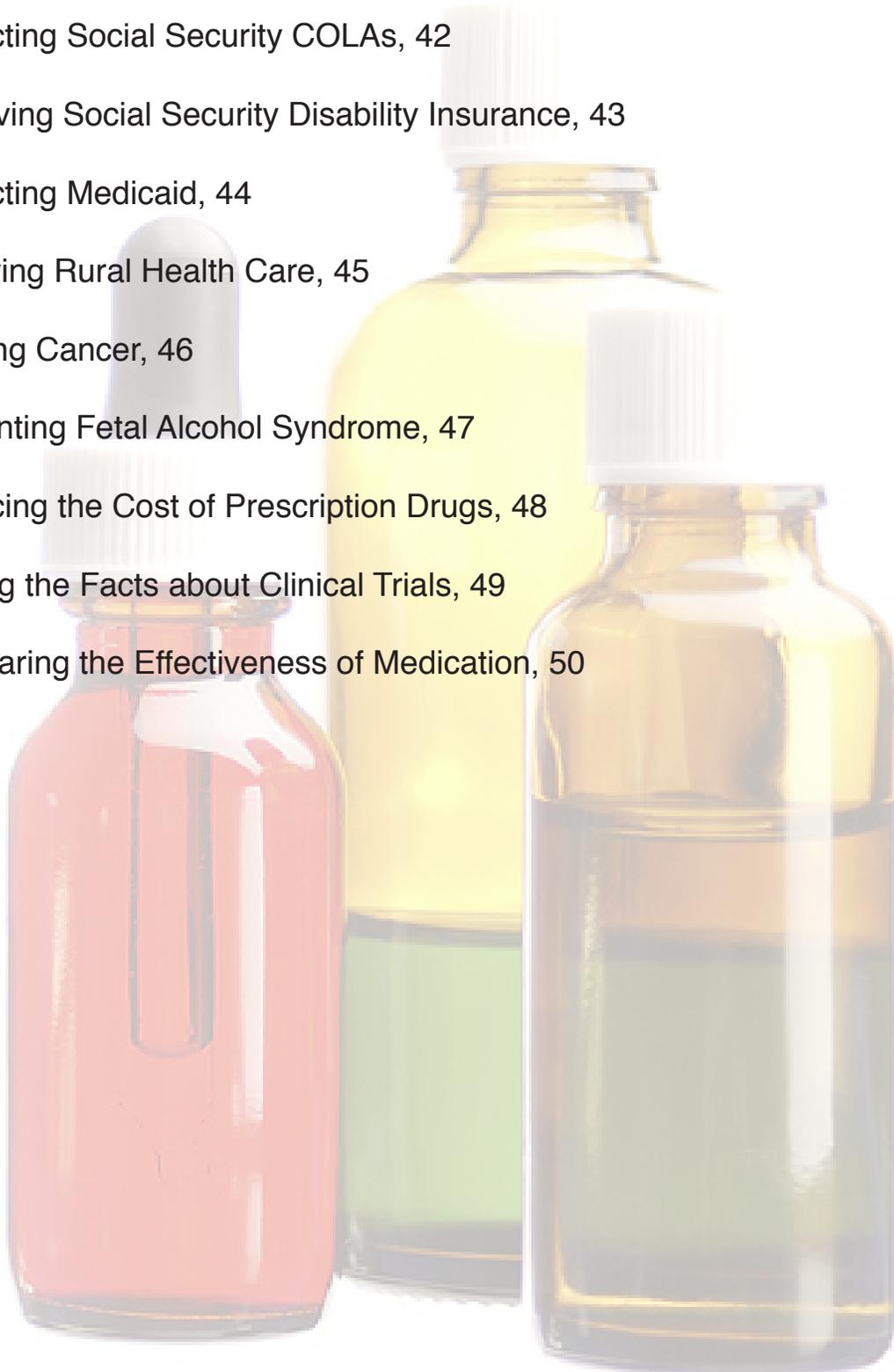
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# Improving Medicare Part D

On January 1, 2006, Medicare beneficiaries became eligible for a prescription drug benefit under the new program. Many Medicare beneficiaries in South Dakota and across the nation have discovered what U.S. Senator Tim Johnson has been saying all along: the program is complicated and inadequate.

In order to access the drug benefit, seniors must select either a Preferred Provider Organization (PPO) or a prescription drug plan (PDP) to receive drug coverage. Each plan will be different and will not necessarily cover the same drugs. The initial enrollment period ends May 15, 2006, and there are penalties for failing to enroll in a plan right away. Medicare beneficiaries who fail to sign up for the Medicare benefit before that date but later opt for coverage will face a penalty of at least 12% of the cost of their premium for each year that has passed since they became eligible. For example, if an individual waits three years after they become eligible to enroll, they would pay almost 40% more for the same coverage than someone who enrolled right away. Furthermore, individuals that enroll but are unhappy with their plan will only be allowed to switch plans without penalty during a yearly “open season.”

Tim did not support final passage of the law that created this program because he felt the program was unnecessarily complicated and the benefits for many Medicare beneficiaries were inadequate. Instead, Tim has introduced several bills that would improve the prescription drug program. One such measure, the Meeting Our Responsibility to Medicare Beneficiaries Act (S.18), would repeal the provisions in the Medicare Modernization Act (MMA) that prohibit the Secretary of Health and Human Services from negotiating lower prices for prescription drugs under Medicare. Indeed, Tim’s bill would require negotiation for lower drug prices under the federal fallback plan.

Tim’s bill would also do away with the slush fund that provides “incentive payments” to big insurance companies. Furthermore, the measure would ensure that seniors are not forced into Health Maintenance Organizations (HMOs), and it allows seniors time to enroll in a plan without penalizing them. Tim’s bill is pending in the Senate Finance Committee.

# Protecting Social Security COLAs

While the 2006 Cost of Living Adjustment (COLA) for Social Security was only 4.1%, the Medicare Part B premium increased by 13%. This premium increase occurred at the same time most seniors face an additional premium under the Medicare drug program. One in six people in South Dakota are Medicare beneficiaries, and a large share of these individuals are living on fixed incomes.

U.S. Senator Tim Johnson understands that the current COLA formula does not reflect true living expenses, since health care costs tend to rise much faster than the overall rate of inflation, and seniors tend to spend much more of their personal budgets on these medical needs than the population as a whole. To help seniors cope with these rising costs, Tim is the prime sponsor of the Social Security COLA Protection Act (S.1795), which would limit increases in the monthly Medicare premium, including the Medicare Advantage prescription drug program premium, to 25% of any Social Security cost of living increase.



**U.S. Senator Tim Johnson addresses the National Committee to Preserve Social Security and Medicare at a Washington, D.C. event.**

# Improving Social Security Disability Insurance

U.S. Senator Tim Johnson is concerned that individuals who qualify for Social Security Disability Insurance (SSDI) are forced to wait 24 months before receiving Medicare coverage. It is estimated that at least 400,000 disabled Americans are in this troubling predicament. Such a long timeframe can leave seriously disabled individuals without access to necessary medical care.

Tim was pleased to be an original cosponsor of the Ending the Medicare Disability Waiting Period Act (S.1217), which would phase out and eventually end this two-year waiting period for Medicare coverage for SSDI-approved individuals.

## Protecting Medicaid

Medicaid makes health insurance available to millions of Americans who have incomes too low to afford private insurance. The Fiscal Year 2006 budget proposed by the Bush Administration called for a \$60 billion reduction in federal Medicaid spending over ten years. These cuts would have a devastating impact on South Dakota's Medicaid program, reducing access to the program for many elderly people and low-income children.

U.S. Senator Tim Johnson worked hard during the budget process to restore funding that President Bush had proposed cutting from the Medicaid program. On April 28, 2005, the Senate approved the budget resolution for FY 2006 (H. Con. Res. 95), on a near-party line vote of 52 to 47. This resolution included an amendment Tim supported that eliminated all the proposed cuts to Medicaid in the Senate version of the budget.

While this was a great success in the budget process, Medicaid remains in harms way. The Republican leadership in the Senate and House of Representatives continued to undermine the Medicaid program in the final budget reconciliation bill that officially implements the cuts suggested in the budget resolution. The leadership again cut funds from the Medicaid program, and will impose co-payments on individuals with the lowest incomes. Furthermore, they will create even more stringent asset tests for some elderly individuals. Tim believes this is a terrible idea that would impede the ability of the most vulnerable children and families to obtain adequate health care.

Tim has always been a strong supporter of the Medicaid program and realizes how important this health program is to low-income South Dakotans and their families. While he does agree that the cost of this program is increasing at an alarming rate, he also recognizes that any reforms should not compromise patient access or quality of care.

# Improving Rural Health Care

U.S. Senator Tim Johnson has long been committed to improving rural health care in South Dakota. Tim was upset that the President's Fiscal Year 2006 budget proposal cut more than \$115 million from rural health programs administered by the Health Resources and Services Administration (HRSA), leaving only \$29 million. These cuts would have had a devastating impact on access to health care in rural America. As a member of the Rural Health Caucus, Tim worked with his colleagues to improve funding for these programs in 2006, urging conference committee members to restore the funds that had been cut.

The final conference report on this spending bill passed the Senate on December 21, 2005. HRSA rural health programs received \$161.6 million, slightly less than the amount provided in the Senate version of this spending bill. While some rural health programs did not receive as much funding as Tim would have liked, most of the final funding levels were a vast improvement over the President's proposal. Some of the programs benefiting from the restored funding include the Rural Outreach Grant Program, which encourages innovative approaches that help rural communities better provide health care to their citizens, and the Rural Hospital Flexibility Grant Program, which helps smaller communities maintain Critical Access Hospitals. Both programs are very important to our state.



**U.S. Senator Tim Johnson visits the construction site of the new University of South Dakota Medical School building.**

# Fighting Cancer

U.S. Senator Tim Johnson has continued to support improved funding for cancer prevention and research. Tim and his wife, Barbara, are both cancer survivors, having individually battled prostate and breast cancer, respectively. Through these experiences, Tim understands the remarkable hope that comes with each new research discovery and drug development. That's why Tim was an original cosponsor of several important measures to address cancer research funding.



**U.S. Senator Tim Johnson speaks at the dedication of the new Avera Cancer Library. As a cancer survivor himself, Tim understands the importance of patient education.**

Tim is a cosponsor of the Breast Cancer and Environmental Research Act of 2005 (S. 757). This legislation would establish a grant program for the development of several research centers that would study the environmental causes of breast cancer. The bill has 62 cosponsors and is currently pending in the Senate Committee on Health, Education, Labor and Pensions (HELP). Tim hopes that the Senate will pass this legislation during the 109<sup>th</sup> Congress.

Tim also helped enact and reauthorize the Stamp Out Breast Cancer Act, the law that allows postal customers to purchase special stamps at a higher rate than regular postage, the balance of which is dedicated to breast cancer research. Tim had been an original cosponsor of the Senate bill creating the program when it was enacted in 1997. Since its inception, more than 588 million breast cancer research stamps have been sold, raising more than \$42 million for breast cancer research. In 2005, Tim cosponsored the Senate bill that extends this important program through December 31, 2007.

In addition, Tim has used his seat on the powerful Senate Appropriations Committee to ensure that our nation's commitment to cancer research remains a priority. He has been an ardent supporter of funding for the Department of Defense Breast Cancer Research Program, as well as other important cancer research initiatives.

# Preventing Fetal Alcohol Syndrome

Fetal Alcohol Spectrum Disorders (FASD) is the term used to describe the devastating effects that can result from prenatal exposure to alcohol. Although it is a preventable illness, FASD affects as many as 40,000 infants each year, including thousands in South Dakota. People with FASD suffer numerous medical, physical, educational, and financial effects, such as severe learning disabilities, physical abnormalities, costly medical bills, and behavioral impairments.

On September 19, 2005, U.S. Senator Tim Johnson introduced the Advancing FASD Research, Prevention, and Services Act of 2005 (S. 1722), a bipartisan bill that will improve the surveillance, identification, and prevention of FASD. South Dakota has had great success in working to prevent and treat FASD. This legislation will bolster those efforts in the hopes of reducing the occurrence and impact of FASD in South Dakota's communities. The Senate Committee on Health, Education Labor, and Pensions (HELP) is currently reviewing the legislation.

# Reducing the Cost of Prescription Drugs

U.S. Senator Tim Johnson has made continuous efforts throughout his tenure in Congress to provide affordable prescription drugs for seniors, as well as all Americans. Tim believes that the reimportation of FDA-approved pharmaceuticals, when done safely and with local needs in mind, would provide a legitimate means for American consumers to access more affordable prescription drugs. Tim will continue working with his colleagues to push reimportation legislation through Congress.

To this end, Tim is an original cosponsor of the Pharmaceutical Market Access and Fair Trade Act of 2005 (S.334), a bipartisan bill with 30 cosponsors. The legislation would provide for the safe reimportation of prescription drugs from Canada that are both approved by the Food and Drug Administration (FDA) and manufactured in an FDA-approved plant. If enacted, this reimportation bill would immediately provide citizens in South Dakota, as well as the nation at large, with access to drugs reimported from Canada. U.S. citizens would be allowed to personally import up to a 90-day supply of a prescribed drug from Canada.

Eventually, when the FDA has put safety protocols in place, the legislation would allow American citizens to purchase drugs directly from Canadian and U.S. wholesalers. U.S. pharmacies would be able to import drugs from facilities in several countries that are registered, fully inspected and approved by FDA. Safety provisions in this bill are very strict and will provide a high level of security for consumers purchasing these drugs. Because this legislation also permits community pharmacies to reimport drugs, Tim believes this measure will ensure the viability of our community pharmacies, as well as promote the important relationship between the patient and their pharmacist.

# Getting the Facts about Clinical Trials

Unfortunately, doctors and patients must often rely upon incomplete information when making decisions about prescription medications. While pharmaceutical companies are quick to publish and advertise positive studies about their products, they are not required to release negative, inconclusive or contradictory studies, leaving doctors and patients with incomplete and sometimes misleading information about the effectiveness and safety of medication. The results can be devastating.

Tim believes that establishing a clinical trial registry for all prescription drugs is an important step in improving patient safety, care and outcomes. That is why he introduced the Fair Access to Clinical Trials Act, also known as the “FACT Act” (S.470). This bipartisan legislation would establish a comprehensive national registry of all publicly and privately funded clinical trials involving drugs, biological products or devices, regardless of the outcome of the trial. This legislation requires that the trial be registered before it begins. When completed, the results must be posted in the registry, making it available to researchers, health care providers and patients.

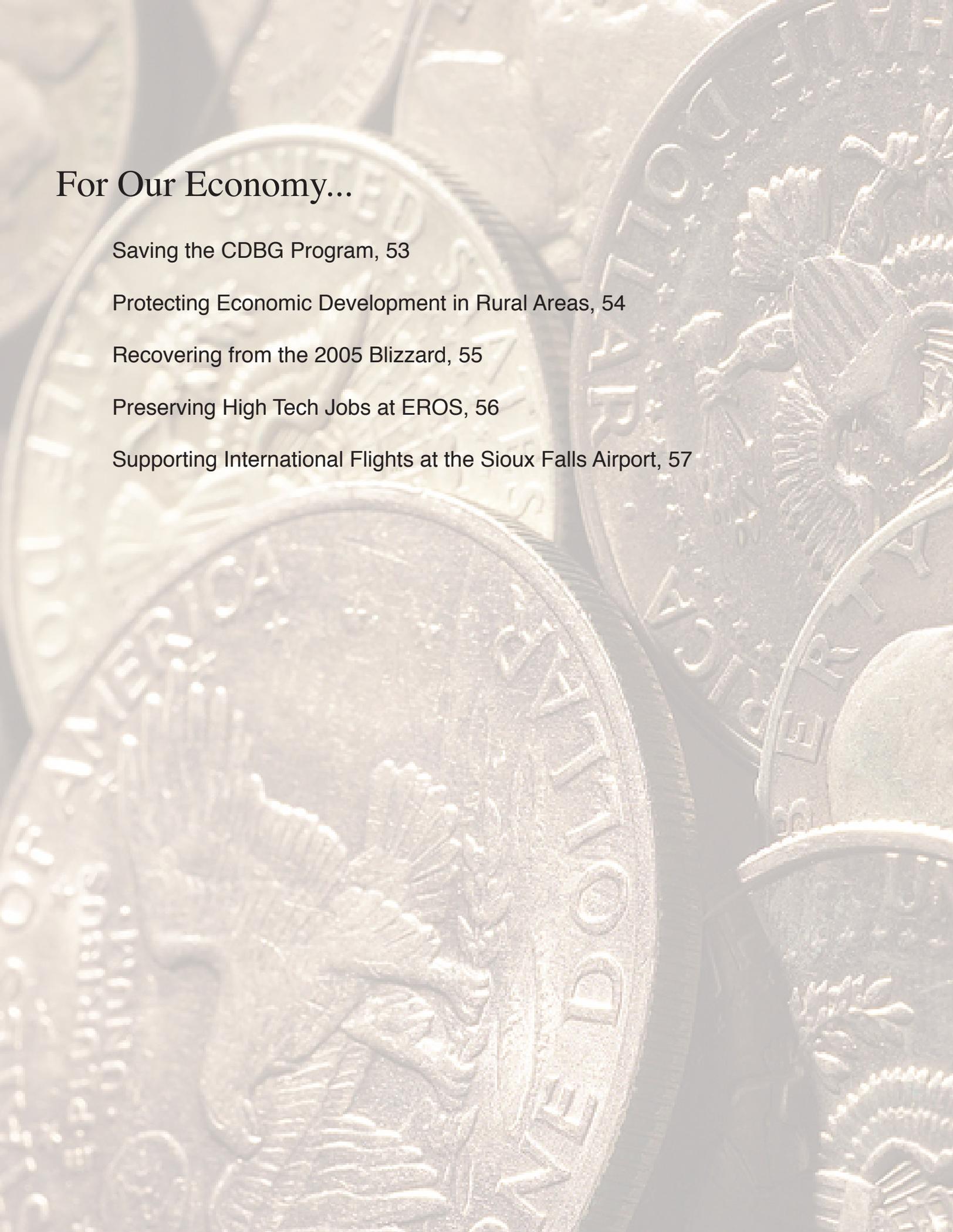


# Comparing the Effectiveness of Medication

Currently, only limited research exists that distinguishes the effectiveness and safety of any particular drug as compared to other drugs in the same or a similar treatment class. Advancing research regarding comparative clinical and cost effectiveness is an important step in helping consumers and their doctors make more informed choices concerning their prescription drugs. Such data can also help consumers save money in the long run.

During the course of debate concerning the Medicare prescription drug bill, Tim was able to include a provision in the final bill that authorized funding for research by the Agency for Healthcare Research and Quality (AHRQ) to provide information regarding the comparative clinical effectiveness and appropriateness of prescription drugs. As a member of the Senate Appropriations Committee, Tim was able to secure \$15 million in appropriations for Fiscal Year 2005, as well as an additional \$15 million for the program in FY 2006.





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# Saving the CDBG Program

The Community Development Block Grants (CDBG) program provides billions of dollars to state and local governments. These entities use their expert knowledge of local economic needs to determine how that money should best be spent in our local communities. In 2004, our state received roughly \$9 million from this program, which funded a variety of important projects. Vermillion, for example, used CDBG funds to renovate the local Adjustment Training Center, which provides developmentally disabled individuals with the skills needed to join the workforce. Custer used CDBG funds to upgrade the community's water infrastructure. Sioux Falls relied on CDBG funds to increase the city's supply of affordable housing.

In February of 2005, President Bush proposed consolidating 18 community development programs, as well as cutting their budgets from a combined total of approximately \$5.7 billion in Fiscal Year 2005 to \$3.7 billion in FY 2006. The CDBG program was by far the largest of the programs included in this proposal, and it would have been eliminated as part of the President's proposed consolidation.

Having heard from numerous South Dakotans about the devastating effects such cuts would have on our state, U.S. Senator Tim Johnson joined a bipartisan group of senators that overwhelmingly rejected the cuts. Though CDBG and most of the other programs proposed for consolidation were funded somewhat below the levels of previous years, Tim and his colleagues succeeded in preventing the wholesale destruction of those important programs. As a result, South Dakota communities will continue to have access to an important source of federal assistance for community development projects.

# Protecting Economic Development in Rural Areas

South Dakota's six "planning districts" are organizations that provide a variety of services supporting economic development in our state. By lending money to new and expanding businesses, helping communities develop strategies for coping with job losses, and planning new infrastructure and community facility improvements, the planning districts are making South Dakota an even better place to live and work. These services are especially important in some of our smaller communities.

The planning districts' activities are funded in part by the Economic Development Administration (EDA) within the Department of Commerce. Earlier this year, EDA proposed new operating rules that would have prevented the planning districts from continuing to provide their services to our communities. Numerous South Dakotans contacted U.S. Senator Tim Johnson to express their opposition to the rules, asking his help in preventing those rules from being implemented.

In response, Tim wrote to the Secretary of Commerce to protest the rules, and also coordinated with the bipartisan group of Senators negotiating a compromise resolution of the issue. Fortunately, a suitable compromise was achieved in November. As a result, South Dakota's planning districts will continue to receive assistance and will be able to continue improving the quality of life in our state.

# Recovering from the 2005 Blizzard

In late November of 2005, a major winter storm hit the eastern part of South Dakota. The storm's combination of ice, snow, and high winds brought down thousands of power poles and left more than 50,000 people without electricity.

According to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the federal government can only reimburse storm-related expenses following a presidential disaster declaration. The law also specifies that such a request must come from the Governor of the affected state.

Upon receiving the Governor's request for a disaster declaration, U.S. Senator Tim Johnson took the lead in coordinating a letter from all three members of the South Dakota congressional delegation. The group asked President Bush to approve the declaration as quickly as possible. Soon thereafter, the President agreed to declare a disaster in the 25 counties hit hardest by the storm.

As a result, state, local, and tribal governments, as well as non-profit organizations such as rural electric cooperatives, are eligible for reimbursement of a large share of the costs incurred in responding to the storm. This federal funding will ensure that taxpayers and electric cooperative customers will not face exorbitant tax and fee increases to cover the costs of the storm.

# Preserving High Tech Jobs at EROS

U.S. Senator Tim Johnson used his seat on the Senate Appropriations Committee to help secure a \$15 million funding increase for the EROS Data Center. This increase will help upgrade the center's technical capabilities and preserve the high-tech jobs held by the center's dedicated staff.

In 2003, a malfunction of the Landsat 7 satellite degraded the quality of images processed and distributed by the EROS Data Center. The sale of these images generates revenue to fund operations at EROS. Unfortunately, sales declined following the malfunction, making it necessary to request additional funding. Without additional resources, the budget shortfall would have resulted in job losses and other detrimental cutbacks at EROS. Additional funds were also needed to begin an upgrade of the center's data-processing infrastructure, which would allow the center to generate high-quality images from a new generation of earth-orbiting satellites.

The initial Senate version of the appropriations bill that funds EROS included only a \$7.45 million increase. However, U.S. Senator Tim Johnson was able to use his seat on the Senate Appropriations Committee to play an instrumental role in boosting this funding level in the final version of the bill. This is the third consecutive year Tim intervened to prevent potential job cuts resulting from a malfunction of the Landsat 7 satellite. This most recent funding increase he worked to secure will help address past funding shortfalls and will place the center on a firm foundation to continue providing its valuable services well into the future.

# Supporting International Flights at the Sioux Falls Airport

Since 1998, the U.S. Customs and Border Protection agency has facilitated the presence of several international flights to and from Sioux Falls by clearing passengers for international travel at the Sioux Falls airport. Without this service, international passengers would need to first stop at an international airport, such as the one in Minneapolis, before returning to Sioux Falls.

In 2005, the U.S. Customs and Border Protection bureau announced that it would not continue to provide this service to international passengers arriving in Sioux Falls. This came just as the Sioux Falls Airport Authority had completed construction of a \$1.3 million addition that includes an area to accommodate the Federal Inspection Station where international passengers are cleared. Implementation of this decision would have made this new facility unnecessary and caused a decline in business at the Sioux Falls airport.

Upon learning of this situation, U.S. Senator Tim Johnson took the lead in organizing a letter from all three members of the South Dakota congressional delegation to the U.S. Customs and Border Protection bureau, opposing this decision. The agency subsequently reversed its decision and agreed to continue providing international clearance services in Sioux Falls.

# For Our Tribes...

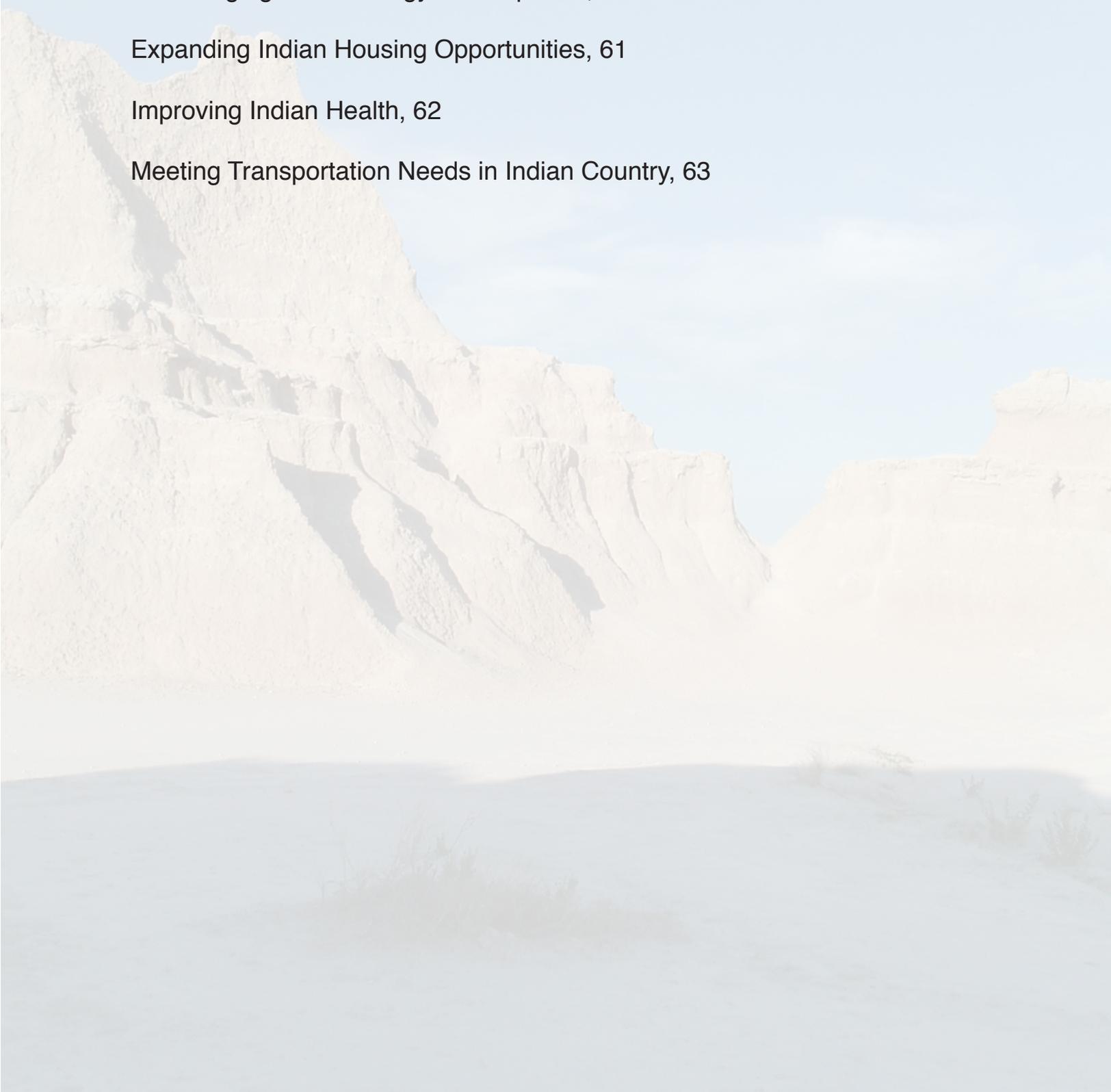
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# Providing Opportunities for Native American Entrepreneurs

U.S. Senator Tim Johnson has reintroduced his Native American Small Business Development Act (S. 1907). Tim's measure establishes three small business assistance programs to provide entrepreneurial development opportunities for Native Americans.

The Small Business Administration Office of Native American Affairs began operations in Fiscal Year 2003 to implement the agency outreach program for Native American communities on or near tribal lands.

Tim's bill provides financial assistance to tribal governments and tribal colleges through five-year grants for programs that provide financial, management, and marketing education to small businesses, including appropriate training and counseling. The bill also authorizes funding for training and technical assistance to Native American businesses, including Alaska Native corporations and Native Hawaiian organizations.

Tim's bill also establishes two pilot programs. The first is a four-year program offering grants of two to four years for culturally-tailored business development training and other services to Native Americans and small businesses owned by Native Americans. The second is a four-year pilot program for American Indian Tribal Assistance Centers that would provide assistance to prospective and current owners of small businesses located on or near tribal lands. Both pilot programs would end in Fiscal Year 2007.

Tim has a long record of support for economic development tools that assist business owners throughout South Dakota. Other economic development projects he has worked on include revolving loan funds that provide investment capital for communities across our state, technical assistance and business training programs necessary for entrepreneurs, and grant programs that help foster new business growth and expansion.



# Encouraging Tribal Energy Development

On August 28, 2005, President Bush signed into law comprehensive energy legislation. The measure provides grants, low-interest loans, and technical assistance for tribal leases. It also creates a loan guarantee program that gives priority to any project using electricity generated from renewable sources, as well as creating an office of Indian Energy Policy within the Department of Energy to oversee these programs.

While energy legislation considered previously would have allowed energy projects to be developed on these Indian lands without being subject to the environmental review process, the enacted Energy Bill retains important safeguards to protect the environmental and cultural significance of Indian lands, and allows the Department of Energy greater oversight to make sure these areas are not negatively affected.

U.S. Senator Tim Johnson serves on the Senate Indian Affairs Committee and is supportive of the important federal statutes designed to protect sacred sites, including the Native American Graves Protection and Repatriation Act (NAGPRA) and the National Environmental Policy Act (NEPA). While our country needs to continue exploring sources of energy, it is important that these efforts do not harm the many sacred and culturally-significant sites throughout our nation.

Tim served on the Energy Bill's conference committee charged with negotiating final language. As the only South Dakotan to serve on that important committee, Tim used his position to help highlight the unique needs and challenges of Indian country. The Indian Energy title included in the bill emphasizes renewable energy, especially given the potential for wind energy generation on tribal lands.

As a member of the Senate Energy and Natural Resources Committee, Tim will continue to fight for energy policies that will not only decrease our dependence on fossil fuels, but will also create new markets and industries in South Dakota. Tim will continue working with tribes to promote tribal energy projects that create jobs and help the tribal economy. Additionally, as a member of the Indian Affairs Committee, he will continue working to ensure that areas of cultural significance are not needlessly threatened or destroyed, making sure that federal government policies are respectful of sacred and culturally-significant sites.

# Expanding Indian Housing Opportunities

U.S. Senator Tim Johnson is the prime sponsor of the Native American Housing Enhancement Act (S.475), written to foster housing development in Native American communities. An identical version of Tim's bill, H.R. 797, was introduced in the House of Representatives by Congressman Rick Renzi (R-AZ). On December 22, 2005, the House version of the bill was signed into law by President Bush.

Tim consulted with tribal leaders and tribal housing authorities across Indian Country in drafting the bill. Highlights of the legislation include:

- Eligibility of Indian tribes for Youthbuild grants. Youthbuild is a national nonprofit organization that allows unemployed young people ages 16-24 to learn job skills by building affordable housing for their communities while they study for their GED or high school diploma. Tim's bill amends the Cranston-Gonzalez National Affordable Housing Act, allowing Indian tribes, tribally-designated housing entities, or other agencies that primarily serve Indians to qualify for participation in the Youthbuild program.
- Amends the NAHASDA to prevent reduction of grants. The bill clarifies a requirement included in the Native American Housing Assistance and Self-Determination Act (NAHASDA) that HUD permit housing authorities to retain program money for successive grant years, ultimately providing tribes and tribal entities more flexibility in planning for the most effective use of this funding.
- Civil Rights Compliance. The bill amends the Civil Rights Act, clarifying that Indian tribes qualify for some forms of funding without violating the Civil Rights Act. USDA has been a significant funding source for tribal housing projects. This bill ensures tribes are able to tap into all available resources to meet housing needs. Furthermore, this bill places tribes on equal footing with other groups that apply for funding.

# Improving Indian Health

On June 7, 2005, U.S. Senator Tim Johnson cosponsored the Indian Health Care Improvement Act Amendments of 2005 (S. 1057). On October 27, 2005, this legislation passed the Senate Indian Affairs Committee. Tim is a member of that committee and had been urging committee action on his measure.

The Indian Health Care Improvement Act (IHCIA) was first enacted in 1976, serving as the foundation for health care for American Indians and Alaska Natives. The last reauthorization of the program was in 1992. Tim's legislation would reauthorize the IHCIA until 2015.

In addition to reauthorizing the IHCIA, this legislation encourages increased numbers of Native Americans to enter the health professions and provide health services in their local communities. The IHCIA authorizes funds to be used to eliminate deficiencies in health status and resources of tribes, while also improving the ability of the Indian Health Service (IHS) to meet its responsibilities. The bill also addresses access issues, including access to health care facilities and access to care.

In addition to cosponsoring the reauthorization measure, Tim was an original cosponsor of an amendment that would address the epidemic of youth suicides affecting many tribal areas. Native American teenagers have a higher suicide rate than any other race. Tim's amendment makes research concerning Indian youth suicide a priority. Unfortunately, youth suicide has been a far-too-common reality on our Indian Reservations.

# Meeting Transportation Needs in Indian Country

On August 10, 2005, President Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFE-TEA). More commonly known as the Highway Bill, the measure was a victory for tribes. The bill's highlights included:

**Indian Reservation Roads program funding.** The Indian Reservation Roads (IRR) program will receive increased funding over the next several years:

\$333 million in FY 2006  
\$370 million in FY 2007  
\$410 million in FY 2008  
\$450 million in FY 2009

**Bridge Improvements.** The Indian Reservation Roads Bridge Program will receive \$14 million in baseline funding each fiscal year thru 2009. These funds will be available for bridge planning and preengineering, as well as construction activities.

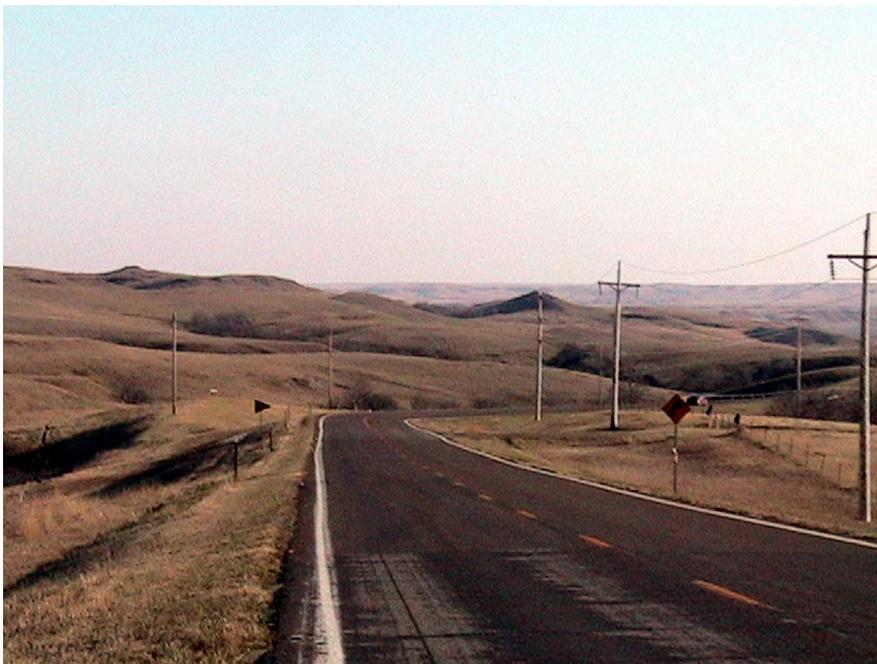


Photo by the Alliance of Tribal Tourism Advocates.

**The Native American Scenic Byway passes through the Cheyenne River Reservation.**

**Public Lands Highway funding increases.** Under the measure, Public Lands Highway funding will increase in coming years:

\$280 million in FY 2006  
\$280 million in FY 2007  
\$290 million in FY 2008  
\$300 million in FY 2009

**Federal Transit Authority (FTA) grants for tribes.** For the first time, Indian tribes will be directly eligible for FTA grants for tribal transit and busing programs. They will be eligible for funding in the following amounts:

\$8 million in FY 2006  
\$10 million in FY 2007  
\$12 million in FY 2008  
\$15 million in FY 2009

**Self-determination.** Indian tribes will be eligible to enter into Indian self-determination contracts and self-governance agreements directly with the U.S. Department of Transportation.

**Scenic Byways.** For the first time, Indian tribes will be eligible to nominate roadways as scenic byways without having to go through state departments of transportation. Roads under either tribal jurisdiction or the jurisdiction of the Bureau of Indian Affairs (BIA) may be nominated by the tribes. Tribes are also eligible for direct Scenic Byway grant funding.

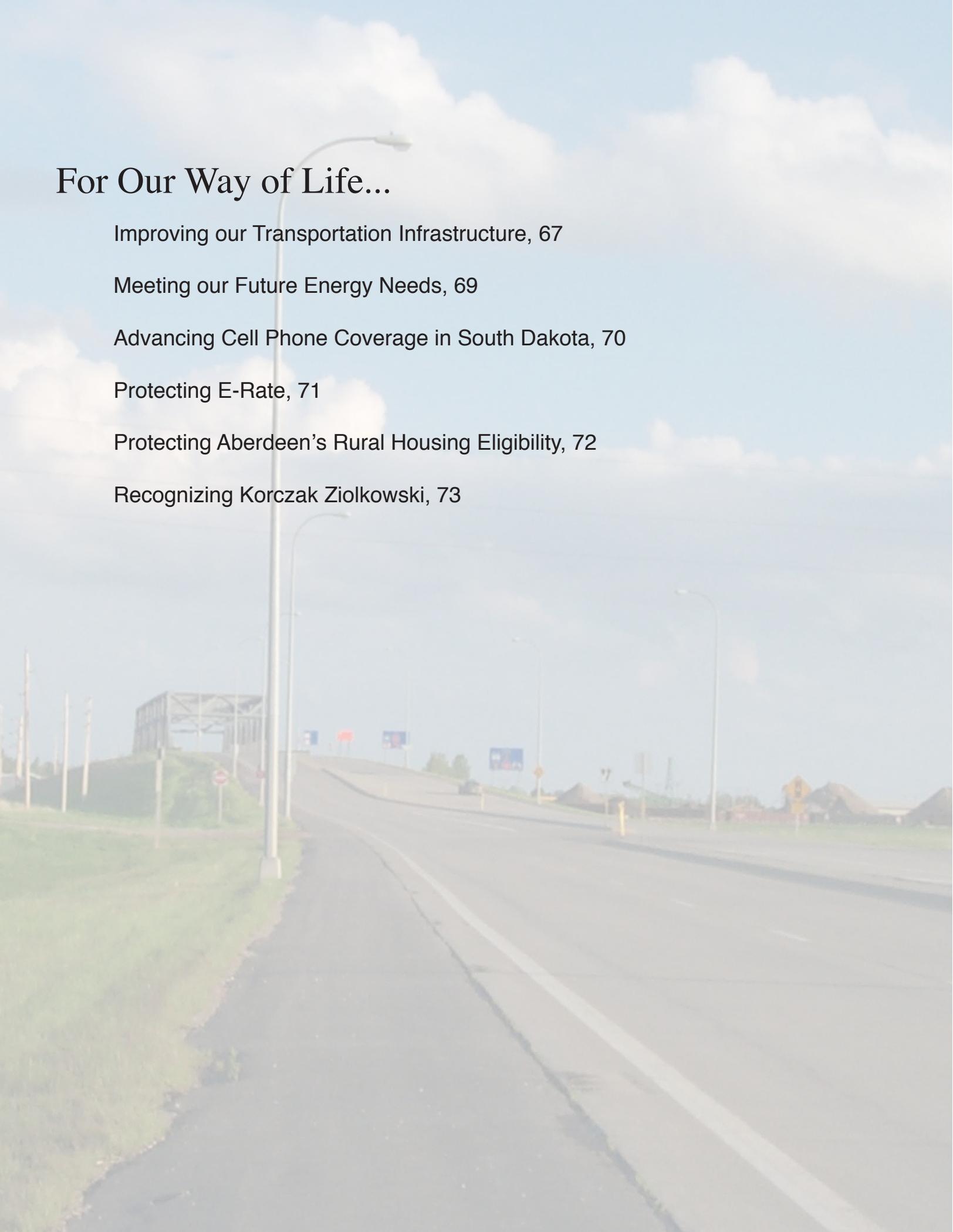
**Limited bureaucracy.** The legislation limits the BIA's expenditures for its own program management and project administration costs. These costs cannot exceed \$20 million in FY 2006; \$22 million in FY 2007; \$24 million in FY 2008; and \$27 million in FY 2009.

**National Indian Reservation Roads inventory.** The legislation requires the Secretary of the Interior to perform a National IRR Program Inventory update within two years and report the findings to Congress.

**Maintenance.** The legislation authorizes tribes to use as much as 25% of their IRR program funds for maintenance activities. Furthermore, they can use as much as 100% of their IRR funds to seal roads.

**Immediate use.** The legislation requires the BIA to make IRR program funds available for the “immediate use” of Indian tribes within 30 days after the funds are provided to the Department of Interior.

**Indian preference.** The legislation provides an Indian labor preference for construction projects on Indian Reservation Roads. By federal definition, these roads include BIA, tribal, state, and county roads that provide access to or cross Indian reservations and tribal communities.



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# Improving our Transportation Infrastructure

In South Dakota, a network of highways, roads and bridges link together communities, allowing businesses to move freight and goods while connecting South Dakotans to health care providers, friends and family across our state.

Since 2003, Congress has struggled to authorize a long-term plan of federal investment in our nation's bridge, road, and transit infrastructure. In 2005, U.S. Senator Tim Johnson worked with colleagues from both political parties to pass a long-term transportation authorization package. By August of 2005, Congress had crafted an historic transportation reauthorization bill that guarantees South Dakota a record return on every dollar invested in transit, bridge, and highway construction projects.

From now through Fiscal Year 2009, the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFE-TEA) will invest \$1.3 billion into South Dakota's bridge and highway infrastructure. This marks a 30% increase above the amount we received from the previous highway authorization bill.

In addition to this tremendous commitment, SAFE-TEA allocates \$47 million for South Dakota's network of transit providers, and will fund another \$250 million in initiatives to redevelop downtown Sioux Falls and construct recreational trails in communities throughout our state. The bill authorizes funding for a rail spur to connect rail access to an industrial park in Brookings, construct a new Missouri River Meridian Bridge, and complete the four-lane Heartland Expressway in western South Dakota. These are all projects that will improve our economy and facilitate the movement of people and goods in South Dakota.

As a senior member of the Senate Banking, Housing and Urban Development Committee, Tim played a key role in negotiating the final version of the bill that boosts funding for rural transit services. Tim also pressed for passage of specific language giving South Dakota added flexibility to direct funds toward those road projects in our state that are most in need of additional funding.

South Dakota was one of only three states to be represented by both of their Senators during the final conference committee negotiations. These negotiating sessions can be highly charged, as they convene to iron out differences between legislation passed by the Senate and the

House of Representatives. It was very beneficial for South Dakota to have both Tim and Senator John Thune representing us.

In the process of negotiating the final agreement, streamlining rules were included that will allow road and bridge projects to be built without needless delays. Because South Dakota winters can be long and harsh, Tim understands how short construction schedules complicate finishing projects on time and under budget.



**James Valley Ethanol Plant in Groton uses more than 16 million bushels of corn from our region to produce environmentally-friendly fuel that reduces our nation's dependence on foreign oil. It has 41 employees serving in both technical and professional positions.**

# Meeting our Future Energy Needs

In 2005, Congress enacted groundbreaking legislation and delivered on one of U.S. Senator Tim Johnson's long-deferred goals of establishing a nationwide renewable fuels standard. With passage of the Energy Policy Act of 2005 and accompanying renewable fuel standard provisions, South Dakota stands as a leader in breaking our country's dependence on foreign energy sources and high fuel costs.

Beginning in 2006, approximately four billion gallons of renewable fuels, primarily ethanol and biodiesel, will be used throughout America. The Fuels Security Act of 2005 (S.650) was incorporated into the final version of comprehensive energy legislation passed by the Congress in 2005, which will require a total of at least 7.5 billion gallons of renewable fuels in our nation's fuel mix by 2012.

As a senior member of the Senate Energy and Natural Resources Committee, Tim played the key role in sponsoring the renewable fuels standard amendment, joining forces with Senator Jim Talent (R-MO). The duo fought successfully to include their amendment in the comprehensive energy bill passed by the Senate.

Throughout 2005, a bipartisan coalition of Senators worked to fend off challenges to enhancing the use of renewable fuels, ultimately triumphing by ensuring that clean-burning, home-grown fuels are a centerpiece of America's 21<sup>st</sup> Century energy policy.

On July 29, 2005, the Senate passed the final version of comprehensive energy legislation by a 74 to 26 vote. On August 8, 2005, the Energy Policy Act of 2005 became law.

## What this means to us...

Since 2001, when U.S. Senator Tim Johnson joined Senator Chuck Hagel (R-NE) in introducing one of the original renewable fuel proposals, South Dakota has successfully demonstrated the importance of home-grown energy sources. With passage of the renewable fuels standard, South Dakota's ten ethanol facilities will continue to expand as the 8,000 South Dakota farm families invested and involved in ethanol production capitalize on the certainty of a long-term national commitment to renewable fuels. Through ethanol production, South Dakotans will provide an answer to our nation's energy challenges, exporting fuels throughout our country. The renewable fuels standard is one of the most significant agriculture policies enacted in the last decade, and South Dakota's rural communities will continue to prosper through expanded ethanol production and the hundreds of direct and thousands of indirect jobs created.

The benefits of ethanol and biodiesel are substantial, but not just for South Dakota. Ethanol and biodiesel production stimulates the economy in rural America by providing another market for agriculture products. These alternative fuels promote competition, reduce consumer fuel costs, and improve the U.S. trade balance by reducing our dependence on foreign oil.

The renewable fuels standard in the Energy Policy Act of 2005 holds great promise for South Dakota's economy and our nation's long-term challenge of securing a clean and dependable energy supply.

# Advancing Cell Phone Coverage in South Dakota

A backlog of cellular telephone tower construction applications at the Federal Communications Commission (FCC) delayed construction of as many as 1,000 towers nationwide. This backlog affected several communities in South Dakota that were awaiting final approval for the construction of cell phone towers in our state.

U.S. Senator Tim Johnson contacted the FCC and worked with Commissioner Jonathan Adelstein to resolve this backlog of applications, allowing construction to move forward. As a South Dakota native, Commissioner Adelstein understands the importance of cell phone coverage in our state, providing providing life-saving communications capabilities in an emergency. Improved cell phone coverage is an important part of the infrastructure that makes these vital communications possible. Decisions about the placement and number of cell phone towers is largely left to each individual telephone company; however, Tim believed the FCC needed to establish a system for fairly dealing with this backlog and future tower construction applications.



## Protecting E-Rate

Many schools and libraries in South Dakota rely upon funding from the E-Rate program to provide affordable access to telecommunications, the Internet, and computer equipment. Tim believes educational, economic development, and job growth opportunities are greatly enhanced when our rural communities have increased access to advanced telecommunications technology.

A change in the E-Rate program's accounting practices caused funding for schools and libraries to be threatened in 2004. Working with his colleagues, U.S. Senator Tim Johnson was able to secure a temporary halt to this accounting change, preventing delays and reductions in funding to schools and libraries throughout South Dakota. In 2005, Tim again stepped in to ensure an extension was passed so that E-Rate funding could continue to support local efforts. Tim will continue working to make this temporary fix permanent.

## Continuing Aberdeen's Rural Housing Eligibility

In the Fiscal Year 2004 Agriculture Appropriations Act, U.S. Senators Tim Johnson and Tom Daschle worked together to include language that explicitly allowed the city of Aberdeen to qualify for U.S. Department of Agriculture Rural Housing Service programs until the 2010 Census is complete. However, USDA headquarters in Washington had been telling its offices in South Dakota that Aberdeen would no longer be eligible after Fiscal Year 2005.

Generally, to be eligible for rural housing programs, a community must have a population less than 20,000. If a qualifying community begins to grow, that community may remain eligible until the population surpasses 25,000. However, if a community has fewer than 25,000 people and experiences a population decline, it would not be entitled to rural housing service programs until the population falls below 20,000. According to the 2000 Census, Aberdeen's population is just under 25,000 and has been declining for the past two census cycles. That situation makes it even more important for Aberdeen to be able to utilize these important housing programs.

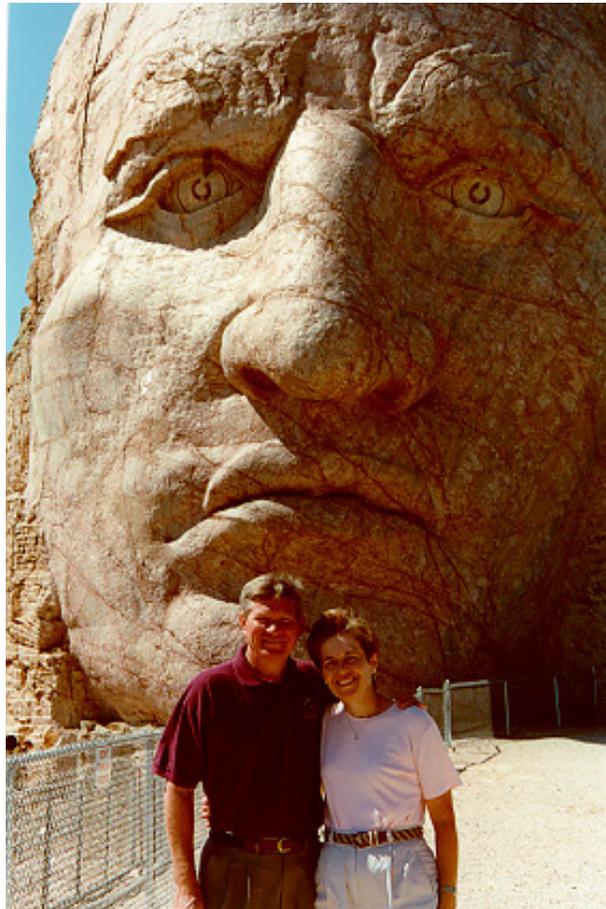
Tim wrote to Agriculture Secretary Mike Johanns to remind him that the law states Aberdeen will remain eligible at least until 2010. Tim was pleased that Secretary Johanns agreed with him and affirmed Aberdeen's eligibility.

# Recognizing Korczak Ziolkowski

U.S. Senator Tim Johnson led South Dakota's congressional delegation in introducing resolutions urging issuance of a postage stamp to honor Korczak Ziolkowski. Tim's legislation called upon the Postmaster General to issue a commemorative stamp in 2008, honoring what would have been the 100<sup>th</sup> birthday of the Crazy Horse memorial sculptor. Tim, along with Senator Thune and Representative Herseth, wrote to the Citizen's Stamp Advisory Committee and sent them a copy of the resolutions in hopes they will recommend this commemorative stamp to the Postmaster General.

Tim believes that Korczak Ziolkowski, the Crazy Horse Memorial, and the noble goal of reconciliation between peoples should be honored by a commemorative stamp.

To learn more about the Crazy Horse memorial, read *A Man and A Mountain* on page 74.



**U.S. Senator Tim Johnson and his wife, Barbara, visit the Crazy Horse Memorial near Custer. The memorial was designed and initiated by famed sculptor Korczak Ziolkowski.**

## A Man and A Mountain

Begun in 1948, the Crazy Horse Memorial is an educational and cultural project located in the Black Hills of South Dakota to honor the Native Americans of North America. Aside from being the world's largest mountain carving, the memorial includes the Indian Museum of North America, the Native American Cultural Center, the sculptor's studio-home and workshop, as well as an Orientation Communications Center that includes theaters, classrooms, a library, and additional space for Native American artists and craftspeople to create and share their artwork.

Oftentimes, the extraordinary personal story of Korczak is overshadowed by the magnitude of the Crazy Horse project. Korczak was orphaned at the age of one and spent much of his childhood suffering through foster homes. At the age of 16, he took heavy construction and other odd jobs to enable him to attend Rindge Technical School in Cambridge, after which he became an apprentice patternmaker in the shipyards of Boston. He quickly learned that he was a very talented woodworker and eventually started experimenting with sculpture in plaster, clay, wood, and marble. In 1932, he carved his first portrait, a marble sculpture

of Judge Frederick Pickering Cabot, a juvenile judge who took Korczak under his wing and introduced him to the world of fine arts.

Korczak launched a successful studio career commissioned by patrons throughout New England and New York. In 1939, he entered his marble sculpture of composer and Polish leader Ignace Jan Paderewski in the New York World's Fair and won first prize.



That same summer, Korczak worked briefly as an assistant to Gutzon Borglum on Mount Rushmore.

Korczak's increasing prominence as a gifted sculptor prompted Chief Henry Standing Bear to invite Ziolkowski to carve Crazy Horse in the Black Hills. In the words of Chief Henry Standing Bear, "My fellow chiefs and I would like the white man to know that the red man has great heroes also."

Before Korczak could accept the invitation to work on the carving of Crazy Horse, at the age of 34, he volunteered for service in World War II, while continuing to study Crazy Horse and Native Americans. In 1947, Korczak relocated to the Black Hills, began designing, and started work creating the Crazy Horse project.

Korczak worked on the Crazy Horse Memorial until his death on October 20, 1982. During his lifetime and continued to this day, the Crazy Horse Memorial has never accepted federal or state money; instead, it operates solely using private funds. Today, Korczak's wife Ruth, seven of their ten children, and the Crazy Horse Memorial Foundation continue to work on the memorial and maintain the dream of Korczak Ziolkowski and Chief Henry Standing Bear.

## For Our Ag Producers...

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# Fighting to Preserve COOL

Mandatory Country of Origin Labeling (COOL) was signed into law by President Bush as part of the most recent Farm Bill. As the primary author of the mandatory food labeling provision, Tim was pleased that his measure garnered strong bipartisan support when it was adopted as part of the Farm Bill.

The Farm Bill contained a mandatory COOL implementation date of September 30, 2004. Through an incredibly corrupt process, this mandatory program was delayed until 2008. Instead of holding an open debate and vote on the most recent delay of two years, the chairman of the agriculture appropriations conference committee chose instead to rewrite Farm Bill policy in backroom dealings and closed door discussions.

Opponents of mandatory COOL have worked hard to inflate projected costs, but the fact is that mandatory COOL will not be nearly as expensive as opponents suggest. USDA's claim that mandatory COOL would cost billions of dollars to implement was simply outrageous. However, USDA requested only \$3.1 million to implement COOL, a more realistic figure. That money would be used to establish an audit-based compliance program for fish and shellfish, adding in other covered commodities as they are implemented. This modest request proves false USDA's argument that mandatory COOL will cost billions.

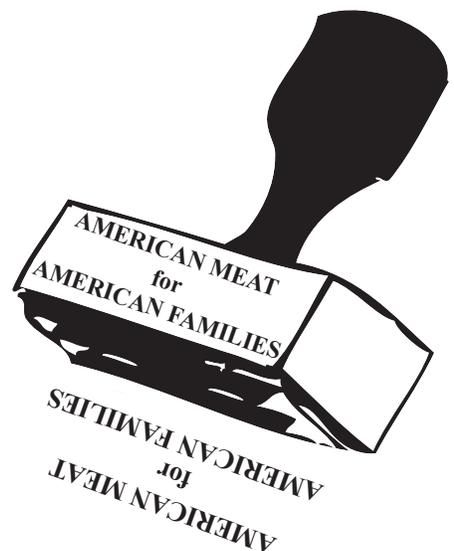
The fact of the matter is that an enormous amount of information is already available for implementing a COOL program. Imported carcasses must bear country of origin markings. After grading, however, these markings are left on the cutting room floor, even though the grade is passed along on cuts of meat to the consumer. Imported feeder cattle from Canada and Mexico are, additionally, identified with country of origin markings. If the grade is passed along with various cuts of meat, a country of origin indication could also easily be communicated to the consumer.

Time and again, the American consumer has indicated they want mandatory country of origin labeling. In a recent poll by Public Citizen, approximately 84% of consumers indicated they want country of origin labeling, and would prefer to have that information in the grocery store aisle. Tim will continue working to implement mandatory COOL.

# Ensuring Meaningful Meat Grading

In response to the continued delays in implementing mandatory country of origin labeling (COOL), U.S. Senator Tim Johnson introduced the Truth in Quality Grading Act of 2005. Tim's bill would prohibit the United States Department of Agriculture's grading service from grading imported meats. Unfortunately, meats that are graded "USDA prime," "USDA choice" or other grades often mislead consumers into believing the meat originated in the United States. Under the current system, the USDA grade is not an indicator of the country of origin.

When consumers in a grocery store see a label that says "USDA prime," "USDA choice," or something similar, they should know with certainty that the product is 100% U.S. beef. The Truth in Quality Grading Act of 2005 would ensure that graded meat means American meat.



# Protecting America's Interests in the Live Cattle Market

The issue of reopening the U.S.-Canadian border to live cattle brought a series of battles in 2005. A leader in the fight to protect consumers' and producers' interests, U.S. Senator Tim Johnson took on the United States Department of Agriculture (USDA) and President Bush in an effort to keep the Canadian border closed. Confirmed cases of Bovine Spongiform Encephalopathy (BSE) in Canada prompted Tim to write President Bush and USDA, urging the Administration to reconsider the March timeline for opening the U.S.-Canadian border to live cattle.

In addition, Tim joined Senator Mike Enzi (R-WY) in introducing legislation that would prevent USDA from opening the border to bovine animal products until mandatory Country of Origin Labeling (COOL) is implemented. Tim was also an original cosponsor of a bipartisan Congressional Resolution of Disapproval (S.J.Res. 4) concerning the Bush Administration's actions in this area. Tim's resolution passed the Senate on March 3, 2005, conveying significant Senate opposition to the Bush Administration's insistence on reopening the border.

Despite these efforts, the Ninth Circuit Court of Appeals overturned a preliminary injunction that had prohibited the importation of live Canadian cattle under the age of thirty months. In July, the U.S.-Canadian border was reopened. In response to this action, Tim wrote to Secretary of Agriculture Mike Johanns, urging him to take steps to guard domestic producers against the negative economic impact that could result from reopening the Canadian border to live cattle.

## Encouraging producer comments about NAIS

The United States Department of Agriculture (USDA) is in the process of implementing a National Animal Identification System (NAIS). The NAIS is intended to address animal health issues through identification and rapid traceback procedures. Implementing a national animal identification program is a substantial endeavor with direct impacts on America's farmers and ranchers, and the process by which this system is established must be open and transparent. U.S. Senator Tim Johnson is very concerned about protecting confidentiality under the new system, as well as keeping the cost of an animal identification program at a reasonable level.

USDA has announced mandatory implementation of NAIS by 2009, and is presently in the process of identifying livestock operations for the NAIS. The next phase, according to USDA, would be to identify animals in each operation.

Tim believes that workable, common sense methods should be used to identify livestock. These methods should be neither costly nor burdensome for the producer. Tim is convinced that a workable and user-friendly process can be developed that conforms to modern animal management practices. As such, Tim has encouraged producers to submit comments to USDA. Such communication is crucial if the USDA insists on pursuing a national animal identification program. Producers, who will ultimately be required to participate in the program, must be actively engaged in suggesting workable processes that will prevent compliance from becoming overly burdensome.

# Reopening the Japanese Market for Beef

Japan shut its borders to American beef in December 2003 following the discovery of a case of Bovine Spongiform Encephalopathy (BSE, commonly referred to as “Mad Cow Disease”) in a single cow in Washington state. That particular cow was of Canadian origin. Prior to the ban, Japan was the leading importer of U.S. beef.

On October 23, 2004, Japan reached an understanding with the U.S. to reopen the Japanese market; unfortunately, that market remained closed. American beef producers lost approximately \$3.14 billion each year while Japan’s borders remained shut.

USDA was working to open our market to Japanese beef even before U.S. beef was allowed into Japan. U.S. Senator Tim Johnson worked with his Senate colleagues to send a strong message to Japan that continued delay of an open export market would not be tolerated. Tim supported an amendment to the Fiscal Year 2006 Agriculture Appropriations bill that would ensure USDA could not open our borders to Japanese beef until U.S. beef could be shipped to Japan. Unfortunately, Tim’s amendment did not survive the closed-door conference committee negotiations.

On October 26, 2005, Tim introduced a bill with Senators Kent Conrad (D-ND), Pat Roberts (R-KS), and a group of eighteen other senators from both political parties. The bill authorized United States Trade Representative Rob Portman to enforce economic sanctions against Japan should that nation fail to open its border to U.S. beef by the end of 2005. The sanctions would be lifted when Japan reopens its market to our beef.

Japan clearly got the message, and on December 11, 2005, Japan lifted its ban. Under the new rules, beef from animals under 20 months of age can be exported to Japan. Following Japan’s announcement, Hong Kong reopened its market to U.S. boneless beef from cattle less than 30 months of age. Since Hong Kong was the fifth largest market for U.S. beef products in 2003, this was another step in the right direction for U.S. beef producers.

*Editor’s Note: On January 20, 2006, Japan announced that they were again suspending importation of U.S. beef products when it was learned that a shipment of beef containing cattle backbones had been sent to Japan. Sending such products to Japan violated the terms of the agreement that had been reached to reopen the Japanese market to American beef, since BSE is a degenerative nerve disease that originates in the spines, brains and bone marrow of cattle and other ruminants. Japan had agreed to allow American beef back into their country, provided the spines and other nervous system tissues were removed prior to shipment.*

# Opposing CAFTA

U.S. Senator Tim Johnson adamantly opposed the Central American Free Trade Agreement (CAFTA). The agreement contains serious flaws, failing to provide significant economic benefits to South Dakotans and American workers alike.

On June 30, 2005, CAFTA passed the United States Senate on a 54-45 vote. Tim voted against the measure. The House of Representatives approved the agreement on July 28, 2005, by a vote of 217-215. Because CAFTA is a revenue measure, the Senate voted on CAFTA a second time on July 28, 2005. The agreement passed on a 55-45 vote; again, Tim opposed the measure.

CAFTA was negotiated under the Trade Promotion Authority (TPA) provision, which authorizes the President to send trade agreements to Congress without allowing Congress to amend them. Tim voted against giving the President this significant “all or nothing” authority. The United States has a long history of approving trade agreements without providing this special power to the President.

CAFTA’s provisions regarding open labor and export markets inadequately address substandard labor conditions in Central America. It is essential that jobs created by U.S. corporations pay workers a living wage. In addition, the agreement offers little for American producers since the U.S. already controls Central America’s commodity import market. Furthermore, the minimal purchasing power for meat and other high-value commodities in these countries is negligible, meaning there is little benefit in the agreement for America’s farmers and ranchers.

CAFTA will also encourage ethanol imports from Central American and South American countries. As the U.S. ethanol market grows, so does the quantity of the market afforded to CAFTA countries. Domestic producers are concerned that ethanol imports may increase drastically under these provisions. These actions would undermine the ethanol industry in the United States, negating all the work we have done over the last decade to grow the industry and provide marketing opportunities for our producers.

Tim’s opposition to further free trade agreements is also based on our nation’s ballooning trade deficit. For the first time, the United States is now importing more commodities than are exported, like many countries in the third world. Tim’s greatest concern is that President Bush chooses to go forward with more trade agreements when it is clear that American workers and farmers are the big losers in these deals.

# Protecting Local Farm Service

U.S. Senator Tim Johnson fought hard to ensure that the United States Department of Agriculture (USDA) did not pursue a failed Farm Service Agency (FSA) office consolidation plan in South Dakota and across the nation. In early 2005, USDA convened a task force to consider FSA county office consolidation; USDA took this step without public notice or comment. Furthermore, USDA did not incorporate stakeholders, including producers, in the process. The closure plan would have shut down more than 700 FSA offices nationally and 14 South Dakota service centers, accounting for 24% of South Dakota FSA offices.

Tim opposed USDA's "FSA Tomorrow" plan from its outset, and he worked to ensure all FSA service centers remain open. In May 2005, Tim wrote to USDA Secretary Mike Johanns, expressing concern about this issue and urging the department to protect the fate of all FSA offices. Tim also requested the Senate Agriculture Committee hold hearings about the issue, which was subsequently arranged. The hearing scheduled for October 20, 2005, was consequently cancelled when USDA halted their "FSA Tomorrow" plan. USDA has acknowledged that the plan was scrapped due to congressional pressure.

Face-to-face communication between service center employees and producers is essential for the proper implementation of Farm Bill programs, providing crucial assistance to our farmers and ranchers. Adequately-staffed FSA offices are critical, and Tim was pleased to play a key role in maintaining current FSA office services.

# Urging FTC to Investigate High Grain Transportation Costs

South Dakota producers depend on a vital railway system to transport commodities during fall harvest. The availability and price of railway transportation directly impacts producers' bottom line. Therefore, the skyrocketing costs of rail transportation have been a cause of great concern for many producers in our state.

In response to these concerns, U.S. Senator Tim Johnson wrote a letter to Federal Trade Commission (FTC) Chairman Deborah Platt Majoras, urging the FTC to investigate extraordinarily high grain transportation costs.

In recent years, the cost of transporting commodities during fall harvest has been as low as \$.10 per bushel for the basic cost of the railcar. In 2005, however, producers were socked with prices as high as \$.65 per bushel for basic railcar costs.

While railcars in 2004 cost approximately \$600 per car, securing the same car cost as much as \$2,600 during the 2005 fall harvest. This cost difference was astounding, and Tim strongly encouraged the FTC to explore this issue.

In addition to the price paid per railcar, producers expressed significant concern about the fuel surcharge expense for rail transportation. There was a steady increase in the fuel surcharge for the shipment of commodities during the 2005 fall harvest. While high fuel prices may add to transportation expenses, producers were concerned that the surcharges being added were excessive. Fuel surcharges applied to freight costs in September of 2005 were 11.5%, increasing to 13% in October and 16% by November. Tim strongly urged the FTC to

investigate this surcharge to ensure rail carriers were not unfairly overcharging producers.



**Rail transportation from communities like Bristol provides an important link between our local producers and markets throughout the world.**

# Defending Farm Bill Promises

The Senate Agriculture Committee approved a package of \$3 billion in agriculture spending cuts, as required by the budget plan passed earlier in 2005. The package reduced commodity payments by \$1.3 billion over five years and cut conservation programs by \$1.1 billion, but did not include the controversial proposal to cut feeding programs, such as food stamps. The committee also added a provision late in the process that would reduce the advance income support payments for the 2006 crop year and for each crop year until 2011. This would result in savings of nearly \$1 billion over five years, according to committee and Congressional Budget Office (CBO) estimates.

U.S. Senator Tim Johnson voted against this package of cuts, also voting on the Senate floor to restore funds that had been cut. Tim cosponsored a bipartisan amendment to the Budget Reconciliation measure that would have established limits on farm payments at \$250,000 for a married farm couple and \$125,000 for an individual producer. The amendment would also tighten the definition of “farmer” to ensure that only active farmers are able to garner payments. Additionally, payments would be tracked through entities and partnerships and counted toward the individual who is the ultimate beneficiary. All payments would count toward an individual’s limit.

CBO indicates this amendment would save taxpayers \$1.1 billion over five years. Those savings would be allocated as follows:

- \$427 million to completely eliminate the 2.5% across-the-board reduction in farm payments included in the Budget Reconciliation in 2006;
- \$92 million to restore 70% of the cuts to the Conservation Reserve Program;
- \$616 million to restore 75% of the cuts to the Conservation Security Program.

The amendment closely mirrored the Grassley-Dorgan amendment to the 2002 Farm Bill, which passed the Senate by a vote of 66-31. Unfortunately, this year the amendment failed on the Senate floor by a vote of 46-53.

# Protecting Small Family Livestock Producers

U.S. Senator Tim Johnson believes reform of the Packers and Stockyards Act is a necessary step in leveling the playing field for South Dakota livestock producers and small operators. In April of 2005, Tim joined Senator Charles Grassley (R-IA) in introducing a bill to amend the Packers and Stockyards Act. The measure would prohibit packers from owning, feeding, or controlling livestock to such an extent that the producer is no longer materially participating in the production of livestock. Cooperatives that are owned by livestock producers would be exempt, as would small packing firms that are not required to comply with mandatory price reporting regulations. Packers that own only one processing facility would also be exempt.

As a consistent voice for America's family farmers and livestock producers, Tim has taken the lead in Congress as an original cosponsor of the "Captive Supply Reform Act," which seeks to prevent meat packers from engaging in unfair market practices. Tim's bill would require a fixed base price in forward contracts and marketing agreements. In addition, the bill would require that contracts be traded in open and public markets, guaranteeing transparency. It would also limit the size of the contracts – but not the number of contracts that can be offered – to prevent small and medium-sized livestock producers from being excluded from deals that contain thousands of head per contract.



## Pushing for LAP/AILFP

In 2004, U.S. Senator Tim Johnson worked to obtain \$3 billion in disaster relief for farmers and ranchers as part of a 2003-2004 either/or agriculture disaster assistance package. The program would provide roughly \$475 million for livestock producers under the Livestock Assistant Program (LAP) and the American Indian Livestock Feed Program (AILFP).

Sign-up for the two programs officially began in March of 2005, but the United States Department of Agriculture (USDA) took an outrageously long time to issue payments to producers as part of the LAP or AILFP. USDA issued the majority of payments more than one year after the disaster program was signed into law. Tim continually prodded USDA to distribute the payments.

The Bush Administration's delays caused serious cash flow problems for many farmers and ranchers throughout South Dakota. While a system already existed for distributing disaster money efficiently, USDA used this crucial agriculture disaster assistance package as a "guinea pig" to test a new computer software program.

In June, Tim sent a letter to Agriculture Secretary Mike Johanns, urging USDA to quickly implement the LAP and AILFP and compensate producers for the delay. Tim also signed a letter drafted by Senator Kent Conrad (D-ND), urging USDA to include interest compensation for producers, since financial planning decisions were made around payments that were not made when they were promised. Most recently, Tim signed onto a bipartisan letter to USDA that was drafted by Senator Craig Thomas (R-WY), concerning the issue of interest compensation.

# Looking out for Producer Interests after Hurricane Katrina

Hurricane Katrina's devastating and far-reaching effects threw southeastern U.S. ports into virtual gridlock. With a substantial portion of U.S. commodities exported through Louisiana ports, the smooth transportation of goods is essential for sound commerce. More than a month after Hurricane Katrina, the United States Department of Agriculture (USDA) still had no concrete course of action for dealing with potential transportation problems.

U.S. Senator Tim Johnson has kept producers' interests at the top of his priorities. For example, he wrote to USDA Secretary Mike Johanns, Transportation Secretary Norman Mineta, and John Paul Woodley, Assistant Secretary of Civil Works for the Army Corps of Engineers. Tim urged these officials to resolve any transportation system problems as quickly as possible, ensuring the transportation network in the Gulf of Mexico is restored to full operation as quickly as possible. These facilities are absolutely necessary to keeping the volume of American grain moving throughout the world.

# Funding Important Ag Research

Using his seat on the powerful Agriculture Appropriations Subcommittee, U.S. Senator Tim Johnson has worked to secure funding for important agricultural research programs at South Dakota State University (SDSU). Among the earmarks he has secured are:

## **Northern Grain Insects Research Lab (NGIRL)**

\$3,984,733 for NGIRL, in Brookings, SD to address key issues in sustainable pest management. NGIRL studies ways to deal with insect pests, such as Northern Corn Rootworm and the Soybean Aphid.

*Presidential Request: \$1,837,158 Funding Secured: \$3,984,733*

## **Biomass Crop Production**

\$1,200,000 to fund and support a new effort in researching corn ethanol at the USDA-ARS-NGIRL lab in Brookings, SD. This effort collaborates with renewable energy efforts at SDSU, to further investigate the applicability of grains from ethanol production into high-value feed for cattle, as well as conversion to increased ethanol production.

*Presidential Request: \$0 Funding Secured: \$1,200,000*



**U.S. Senator Tim Johnson visits the Northern Grain Insects Research Lab (NGIRL) at SDSU. Tim has helped bring millions of dollars in agricultural research to our state, yielding important scientific advances for our farmers and ranchers, while also fostering SDSU's position as a cutting-edge research institution.**

**South Dakota Department of Game, Fish, and Parks Animal Damage Control**

\$750,000 for the South Dakota Game, Fish and Parks to continue funding the Animal Damage Control program . This program helps manage wildlife in order to reduce damage to agriculture and natural resources, minimize potential threats to human health and safety, and provide protection of property.

*Presidential Request: \$0                  Funding Secured: \$750,000*

**Ruminant Nutrition Consortium**

\$494,000 for continued funding to develop and enhance ruminant nutrition research and education between South Dakota State University (SDSU), Montana State University, North Dakota State University, and the University of Wyoming.

*Presidential Request: \$0                  Funding Secured: \$494,000*

**Crop Integration and Production/Pulse Crops Consortium/Integrating Cropping Systems**

\$300,000 to continue research at SDSU to integrate pulse crops into crop systems in SD, ND, MT and NE.

*Presidential Request: \$0                  Funding Secured: \$300,000*

**Feed Stock Conversion**

\$675,000 for research and extension programs in biomass energy (switch grass breeding, fuels, power generation, and bio-oils), gasification of biomass and ag-coproducts, and novel anaerobic digestion processes. The ultimate goal is to change the economic vitality of rural South Dakota and the Great Plains region.

*Presidential Request: \$0                  Funding Secured: \$675,000*

**South Dakota State Seed Technology Center**

\$360,000 for the development of seed science as an essential mechanism for the delivery of an ever-expanding set of traits and technologies for producers. The center provides training and development of seed technology/biotechnology to support the safe delivery of traits to producers while protecting the traditional production systems.

*Presidential Request: \$0                  Funding Secured: \$360,000*

Presented by

# U.S. Senator Tim Johnson



## U.S. Senator Tim Johnson

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